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THE OFFICIAL WEEK IN REVIEW

MAIN concern of the President during the week was the present shortage of bottoms in the Philippine foreign trade. Following an informal conference with United States High Commissioner Francis B. Sayre while motoring around the City in the presidential car, the President sent Resident Commissioner Joaquin M. Elizalde a radiogram, instructing him to redouble his efforts to obtain the assignment of more vessels to the Philippine service.

To forestall shortage of rice in the country and keep the price of the cereal stabilized, the President permitted the National Rice and Corn Corporation to import rice in such quantities as may be necessary to insure a sufficient reserve supply. The importation of 5,000 tons of white maize from Macassar, Celebes, was authorized with the same ends in view.

The President also: administered the oath of office to the Honorable Serafin Marabut as Secretary of National Defense; appointed Pio Fajardo as Judge of the Court of First Instance of Cagayan, Enrique Fernandez as Judge-at-large of First Instance, Bonifacio Ysip as Cadastral Judge; issued three proclamations, one of which reserves a parcel of the public domain in Nueva Vizcaya, to be known as Balete Pass Forest Reserve; appointed Albino Figueroa, Felicisimo S. Ocampo and Juan Alano as Assistant Provincial Fiscals of Nueva Ecija; authorized the issuance for sale in the Philippines, at a price not below par, the FIRST SERIES of National Government bonds under Commonwealth Act No. 618, in the amount of two million five hundred thousand (P2,500,000) pesos, to bear the date of September 1, 1941, to be due and payable thirty (30) years after date of issue with interest at the rate of four and one-half (4½%) per centum per annum, payable semi-annually.

Besides Secretary of National Defense Serafin Marabut, two other presidential appointees took their oaths of office; namely, Under-Secretary of Labor Jose Figueras, who was inducted by Secretary of Labor Leon G. Guinto, and Judge Vicente de la Cruz, of the Court of Industrial Relations, who was sworn in by Secretary of Justice Teofilo Sison.

THE first national shrine in the Philippines, that of Apolinario Mabini on Nagtahan Street, was formally opened on the afternoon of July 23, 1941, in commemoration of the patriot's 77th birthday. Main speaker of the occasion was Secretary Jorge B. Vargas, who said of the illustrious Filipino that "no sacrifice was too great, no task impossible of accomplishment in his consummate desire to serve his people, and help them attain their freedom. He put all his faith in God, who, to him, was the fountain of truth and justice. He valued his honor above his country because he believed honor to be the only power that will make man faithful and just to his fellow men, and that will develop his industry and resourcefulness." According to Secretary Vargas, Mabini was essentially a Filipino, a true son of his native soil,

but the broad sweep of his vision embraced the entire human race. By knowing the basic principles and the simple truths which Mabini believed and taught, Secretary Vargas said that "we will, I am sure, evolve a new strength and a new faith in ourselves that will steel us in these critical times when peace-loving nations like ours must fight for survival against the ruthless forces of war and hate."

THE Office of the President was advised by Resident Commissioner Joaquin M. Elizalde of the necessity of limiting trips by Filipinos to the United States to those who must go for their health or for really pressing business, in view of the strict rules being imposed by the State Department in Washington on immigrants as well as non-immigrants. The Commissioner suggested that persons wishing to go to the United States course their requests through Malacañan, which should decide who really need to go.

TO permit quick disposal of cases appealed from the Visayan and Mindanao provinces, and in accordance with an authorization granted by the President, the Court of Appeals resolved to send its second division to Cebu, Zamboanga and Iloilo on August 11, to hear cases in those cities.

REGISTRATION at the Immigration Office of aliens residing in the Philippines was closed on July 21, 1941, in accordance with the provisions of the Alien Registration Act. Registration certificates will henceforth be required of all alien residents for identification, and failure to produce such certificates will be considered as *prima facie* evidence of an illegal stay in the country.

AMONG the presidential vetoes published in this issue of the OFFICIAL GAZETTE is one that refers to Bill No. 1818, creating the City of Lipa. In disproving the measure the President held that the conversion of a municipality, not the capital of the province, into a chartered city, would initiate a new policy in the establishment of political subdivisions which, in the long run, "might affect the reorganization of the provinces themselves." The President also observed that the segregation of the proposed city from the Province of Batangas would mean a loss of income for the province to the prejudice of the public service.

IN dismissing an action brought by the Manila Hotel Employees Association against the Manila Hotel Company for the reinstatement of seven laborers who had been discharged from the Manila Hotel, the Court of Industrial Relations in a decision held that the question whether there was justifiable cause for the discharge of said laborers "is a point that need not be decided" by the Court itself inasmuch as it constitutes a "question, matter, controversy or dispute" which it had no authority to arbitrate, decide or settle within the scope of the jurisdiction conferred on the Court

by Commonwealth Act No. 103. The merits of the case are such, according to the Court, that it can well be submitted to the management of the Hotel, in line with the policy announced by the Chief Executive in his letter of April 18, 1938, to the General Manager of the Manila Railroad Company. The Court held that the management of the Hotel represents the Government's interest in the enterprise, and as such is presumed to look after the welfare of the laboring class of the country.

In another decision, that of the case of Bagong Pagkakaisa, petitioner, *versus* Batangas Transportation Co., respondent, the Court of Industrial Relations denied a motion of the respondent company for a reconsideration of a previous order of the Court directing the reinstatement of three drivers who, according to the company itself, were discharged on the strength of their bad records. To accept such an excuse for discharging the drivers, according to the Court, was to give the company unlimited power to dismiss at any time, even during the existence of a dispute before the Court, all its drivers and conductors.

IN an opinion rendered by the Secretary of Justice, it was held that freights and fares received by the British Government from the operation in the Philippines of vessels owned or chartered by it, as well as the income obtained by the owners of the chartered vessels and the compensation received by the local agents of these vessels, do not fall under the exemption made in section 29, subsection (b), No. 7, of the National Internal Revenue Code and are, therefore, subject to the payment of income tax. The said provision of law expressly exempts from the income tax "income of foreign governments received from their investments in the Philippines in stocks, bonds, or other domestic securities, or from interest in their deposits in banks of the Philippines." The Secretary of Justice held that "the clear implication from this express statutory enumeration of exempt revenues according to accepted canons of statutory construction is that income not expressly mentioned is not exempt."

A woman who is a citizen of the Philippines loses her Philippine citizenship upon her marriage to a Chinese citizen, but upon the death of the latter she may reacquire her original nationality "by merely taking the necessary oath of allegiance to the Commonwealth of the Philippines and registration in the proper civil registry," pursuant to section 4 of Commonwealth Act No. 63, according to another opinion of the Secretary of Justice. In another case involving Philippine citizenship, the Secretary of Justice ruled that the father of minor children, who is a citizen of Spain, may provisionally choose the nationality of his children, but the latter, upon reaching the age of twenty-one years, must make their final choice of nationality "by means of a declaration made before a court of record."

For the purposes of section 881 of the Revised Administrative Code, which governs the granting of special permits to accountable officials or employees in the

Government service for the possession of firearms and ammunition for personal protection in the performance of their official duties, the University of the Philippines is not a bureau of the National Government, in the opinion of the Secretary of Justice. Not being a bureau, it follows that it is not included in the provisions of the said section under which only chiefs of bureaus may file an application for special permit in favor of subordinate officials or employees.

UNLIKE other officials and employees in the Government Civil Service, a public school teacher occupies a peculiar position in the community. As he has under his care, guidance and tutelage the children of the community, the public naturally expects of him an untarnished reputation for honesty and morality." The Civil Service Board of Appeals so declared in affirming a decision of the Commissioner of Civil Service finding a municipal teacher in Santander, Cebu, guilty of immorality and dropping him from the service. And with respect to the finality and conclusiveness of decisions rendered by the Commissioner of Civil Service in administrative cases, the same Board held, in deciding another case (Celestino G. Natividad, respondent-appellant) that the acquittal of respondent in the Municipal Court in a criminal case, though based on the same and identical facts, "affords no valid ground to alter the conclusion of guilt arrived at by the Commissioner of Civil Service."

AS a precautionary measure the General Land Registration Office instructed all Registers of Deeds to forward, through said Office, to the Secretary of Justice all documents presented for registration dealing with real property of any class, to which a foreigner is a party. The registration of said documents is to be held in abeyance until after final determination by the Secretary of Justice as to appropriate action to be taken thereon by the Register of Deeds.

AT the request of the Manila Stock Exchange, the Commissioner of Securities and Exchange issued an order lifting pegged prices of all securities listed on the Boards of said Exchange.

THE bar examinations for this year will start on Saturday, August 2, and continue on the next three Saturdays of the same month. The schedule follows:

Civil Law—Saturday, August 2, 7:30 to 10:30 a. m.
Land Registration and Mortgages—Saturday, August 2, 2 to 4 p. m.
Mercantile Law—Saturday, August 9, 7:30 to 10:30 a. m.
International Law—Saturday, August 9, 2 to 4 p. m.
Political Law—Saturday, August 16, 7:30 to 10:30 a. m.
Criminal Law—Saturday, August 16, 2 to 4:30 p. m.
Remedial Law—Saturday, August 23, 7:30 to 10:30 a. m.
Legal Ethics and Practical Exercises—Saturday, August 23, 2 to 4 p. m.

**EXECUTIVE ORDERS, ADMINISTRATIVE
ORDERS AND PROCLAMATIONS**

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 736

RESERVING FOR CEMETERY PURPOSES A PARCEL
OF THE PUBLIC DOMAIN SITUATED IN THE
BARRIO OF CAMUDMUD, MUNICIPAL DISTRICT
OF SAMAL, PROVINCE OF DAVAO, ISLAND OF
SAMAL.

Upon the recommendation of the Secretary of Agriculture and Commerce and pursuant to the provisions of section eighty-three of Commonwealth Act Numbered One hundred and forty-one, as amended, I hereby withdraw from sale or settlement and reserve for cemetery purposes, under the administration of the Director of Health, subject to private rights, if any there be, the following parcel of the public domain, situated in the barrio of Camudmud, municipal district of Samal, Province of Davao, Island of Samal, and particularly described in Bureau of Lands plan Mr-390, to wit:

Beginning at a point marked 1 on Bureau of Lands plan Mr-390, N. 4° 51' W. 11,797.57 m., more or less, from B. L. B. M. No. 1, barrio of Peñaplata, municipal district of Samal, thence S. 25° 39' W. 123.00 m. to point 2; N. 63° 26' W. 59.94 m. to point 3; N. 18° 55' E. 82.34 m. to point 4; N. 85° 35' E. 80.40 m. to point 1, point of beginning.

Containing an area of 6,725 square meters.

All corners are P. L. S./B. L. concrete monuments.

Bounded on the north by property of Agustin Marturillas; on the southeast, by property of Albino Jubilado; on the southwest, by property of Masigkan (Samal); and on the northwest, by property of Agustin Marturillas.

Bearings true. Declination, 1° 21' E.

Points referred to are marked on Bureau of Lands plan Mr-390.

Surveyed: June 10, 1937.

Approved: March 31, 1938.

In witness whereof, I have hereunto set my hand and caused the seal of the Commonwealth of the Philippines to be affixed.

Done at the City of Manila, this nineteenth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

[SEAL]

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 737

RESERVING FOR SCHOOL PURPOSES THREE PARCELS OF THE PUBLIC DOMAIN SITUATED IN THE BARRIOS OF NARARAGAN, PACAC, AND MAGUININANGO, MUNICIPAL DISTRICT OF ALLACAPAN, PROVINCE OF CAGAYAN, ISLAND OF LUZON.

Upon the recommendation of the Secretary of Agriculture and Commerce and pursuant to the provisions of section eighty-three of Commonwealth Act Numbered One hundred and forty-one, as amended, I hereby withdraw from sale or settlement and reserve for school purposes, under the administration of the Director of Education, subject to private rights, if any there be, the following parcels of the public domain, situated in the barrios of Nararagan, Pacac, and Maguininango, municipal district of Allacapan, Province of Cagayan, Island of Luzon, and particularly described in Bureau of Lands plan Mr-431, to wit:

Lot No. 1, Mr-431 (barrio of Nararagan, municipal district of Allacapan, school site).—Beginning at a point marked 1 on Bureau of Lands plan Mr-431, S. $12^{\circ} 14'$ E. 14,432.33 m., more or less, from B. L. L. M. No. 1, municipality of Abulug, thence S. $47^{\circ} 34'$ W. 30.63 m. to point 2; S. $46^{\circ} 44'$ W. 30.63 m. to point 3; S. $47^{\circ} 16'$ W. 30.73 m. to point 4; S. $47^{\circ} 02'$ W. 8.00 m. to point 5; N. $43^{\circ} 09'$ W. 100.12 m. to point 6; N. $47^{\circ} 17'$ E. 100.09 m. to point 7; S. $43^{\circ} 05'$ E. 99.94 m. to point 1, point of beginning.

Containing an area of 10,000 square meters.

Points 1, 2, 3, and 4, old B. L. concrete monuments; and points 5, 6, and 7, B. L. concrete monuments.

Bounded on the northeast by property of Rufino Omani; on the southeast, by properties of Florentino Fronda, Macario Princesa, Maria Alvares, and Macario Princesa; on the southwest, by property of Rufino Omani; and on the northwest, by property of Rufino Omani.

Bearings true. Declination, $0^{\circ} 15'$ E.

Points referred to are marked on Bureau of Lands plan Mr-431, sheet No. 1.

Surveyed: November 18-21, 1939.

Approved: August 3, 1940.

NOTE.—This survey is a portion of lot No. 1, H-63468, as surveyed for Rufino Omani.

Lot No. 2, Mr-431 (barrio of Pacac, municipal district of Allacapan, school site).—Beginning at a point marked 1 on Bureau of Lands plan Mr-431, N. $55^{\circ} 27'$ E. 164.62 m. from B. L. B. M. No. 1, barrio of Pacac, municipal district of Allacapan, thence S. $18^{\circ} 37'$ E. 134.38 m. to point 2; S. $85^{\circ} 48'$ W. 63.20 m. to point 3; S. $85^{\circ} 03'$ W. 8.94 m. to point 4; N. $24^{\circ} 09'$ W. 130.70 m. to point 5; N. $80^{\circ} 10'$ E. 83.67 m. to point 1, point of beginning.

Containing an area of 9,978 square meters.

All corners are B. L. concrete monuments.

Bounded on the northeast by property of Silvino Usita; on the south, by property of Silvino Usita; on the southwest, by property of Mariano Barsatan; and on the northwest, by property of Silvino Usita.

Bearings true, Declination, $0^{\circ} 03' E$.

Points referred to are marked on Bureau of Lands plan Mr-431, sheet No. 2.

Surveyed: November 22, 1939.

Approved: August 3, 1940.

NOTE.—This survey is identical with lot "A," Bsd-7475, as surveyed for the same applicant.

Lot No. 3, Mr-431 (barrio of Maguininangot, municipal district of Allacapan, school site).—Beginning at a point marked 1 on Bureau of Lands plan Mr-431, S. $21^{\circ} 49' E$. 4,454.80 m., more or less, from B. L. B. M. No. 1, barrio of Parrudun-Norte, municipality of Aparri, thence N. $35^{\circ} 26' E$. 99.84 m. to point 2; S. $61^{\circ} 35' E$. 95.37 m. to point 3; S. $26^{\circ} 09' W$. 94.68 m. to point 4; N. $63^{\circ} 53' W$. 111.41 m. to point 1, point of beginning.

Containing an area of 10,000 square meters.

All corners are B. L. concrete monuments.

Bounded on all sides by property of Juan Jadulos.

Bearings true. Declination, $0^{\circ} 03' E$.

Points referred to are marked on Bureau of Lands plan Mr-431, sheet No. 3.

Surveyed: November 22, 1939.

Approved: August 3, 1940.

In witness whereof, I have hereunto set my hand and caused the seal of the Commonwealth of the Philippines to be affixed.

Done at the City of Manila, this nineteenth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

[SEAL]

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 738

ESTABLISHING AS BALETE PASS FOREST RESERVE FOR FOREST PROTECTION, TIMBER PRODUCTION, AND AESTHETIC PURPOSES A PARCEL OF THE PUBLIC DOMAIN SITUATED IN THE MUNICIPAL DISTRICT OF IMUGAN, PROVINCE OF NUEVA VIZCAYA, ISLAND OF LUZON.

Upon recommendation of the Director of Forestry, approved by the Secretary of Agriculture and Commerce and

pursuant to the provisions of section eighteen hundred and twenty-six of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, I, Manuel L. Quezon, President of the Philippines, hereby establish for forest protection, timber production, and aesthetic purposes the Balete Pass Forest Reserve and place it under the administration and control of the Bureau of Forestry which shall have the authority to regulate the use and occupancy of this reserve and the cutting, collection, and removal of timber and other forest products therein in accordance with the Forest Law and Regulations.

I, therefore, withdraw from entry, sale, or settlement and hereby declare and proclaim to be the Balete Pass Forest Reserve, subject to private rights if any there be, that portion of the public domain situated in the municipal district of Imugan, Province of Nueva Vizcaya, Island of Luzon, and described on Bureau of Forestry Map No. F. R.-112, to wit:

Beginning at a point marked 1 on Bureau of Forestry map No. F. R.-112, a P. B. M. No. 1, identical to corner 4 of lot 2 of Talavera Watershed Forest Reserve (F. R.-86), which is identical to P. B. M. No. 1 of Nueva Ecija; thence S. $88^{\circ} 43'$ W., 486.67 meters to corner 2, a B. F. F. R. concrete monument, 15 by 15 by 60 cm., identical to corner 1 of lot 1 of Talavera Watershed Forest Reserve (F. R.-86); thence N. $38^{\circ} 42'$ W., 602.41 meters to corner 3, a B. F. F. R. concrete monument, 15 by 15 by 60 cm., identical to corner 8 of lot 1 of Talavera Watershed Forest Reserve (F. R.-86); thence N. $71^{\circ} 40'$ W., 920.82 meters to corner 4, a B. F. F. R. concrete monument, 15 by 15 by 60 cm., identical to corner 7 of lot 1 of Talavera Watershed Forest Reserve (F. R.-86); thence S. $11^{\circ} 20'$ W., 612.88 meters to corner 5, a B. F. F. R. concrete monument, 15 by 15 by 60 cm., identical to corner 6 of lot 1 of Talavera Watershed Forest Reserve (F. R.-86); thence S. $19^{\circ} 51'$ W., 401.79 meters to corner 6, a B. F. F. R. concrete monument, 15 by 15 by 60 cm., identical to corner 5 of lot 1 of Talavera Watershed Forest Reserve (F. R.-86); thence S. $59^{\circ} 39'$ W., 1,710.52 meters to corner 7, a B. F. F. R. concrete monument, 15 by 15 by 60 cm., identical to corner 4 of lot 1 of Talavera Watershed Forest Reserve (F. R.-86); thence S. $63^{\circ} 27'$ W., 2,812.33 meters to corner 8, a B. F. F. R. concrete monument 15 by 15 by 60 cm., identical to corner 3 of lot 1 of Talavera Watershed Forest Reserve (F. R.-86); thence N. 18° W., 6,200.00 meters to corner 9, a P. B. M., marked 1565/40, on top of mountain in the open; thence N. 64° W., 140.00 meters to corner 10, a Benguet Pine tree, 20 cm., in diam., marked N. P. 1565/37, on north side of trail; thence N. 30° E., 130.00 meters to corner 11, a Benguet Pine tree, 20 cm. in diam., marked N. P. 1565/34, on a ridge, west side of trail; thence N. 5° E., 400.00 meters to corner 12, a liusin tree, 20 cm. in diam., marked N. P. 1565/29, at the junction of Salacsac Creek and trail; thence following Salacsac Creek upstream in a general easterly direction, about 540 meters to corner 13, a tuai tree, 50 cm. in diam., marked N. P. 1565/22, at the junction of Salacsac Creek and branch; thence following Salacsac Creek upstream in a

general northeasterly direction, about 480 meters to corner 14, a Macaasim tree, 80 cm. in diam., marked N. P. 1565/17, at the junction of Salacsac Creek and branch; thence following Salacsac Creek upstream in a general southeasterly direction, about 550 meters to corner 15, an agaru tree, 75 cm. in diam., marked N. P. 1565/9, at the junction of Salacsac Creek and branch; thence following Salacsac Creek upstream in a general northeasterly direction, about 340 meters to corner 16, a Eugenia Sp. tree, 20 cm. in diam., marked T. L. 838/19, identical to corner 7 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 3° W., 570 meters to corner 17, an ureg tree, 15 cm. in diam., marked T. L. 841/25, identical to corner 6 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 16° E., 400 meters to corner 18, a pusopuso tree, 40 cm. in diam., marked T. L. 841/22, identical to corner 5 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 42° E., 440 meters to corner 19, a salingogon tree, 25 cm. in diam., marked T. L. 841/8, identical to corner 4 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 37° E., 230 meters to corner 20, an unknown tree, 30 cm. in diam., marked T. L. 841/3, identical to corner 3 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 10° E., 140 meters to corner 21, an oak tree, 30 cm. in diam., marked T. L. 841/2, identical to corner 2 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence following creek upstream in a southerly direction, about 460 meters to corner 22, an oak tree, 50 cm. in diam., marked T. L. 874/33, identical to corner 1 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 39° E. 410 meters to corner 23, an oak tree, 50 cm. in diam., marked T. L. 874/30, identical to corner 17 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 69° W., 250 meters to corner 24, a Eugenia Sp. tree, 30 cm. in diam., marked T. L. 874/28, identical to corner 16 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 53° E., 540 meters to corner 25, a palacpalac tree, 30 cm. in diam., marked T. L. 874/20, identical to corner 15 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 43° E., 260 meters to corner 26, a palacpalac tree, 30 cm. in diam., marked T. L. 874/13, identical to corner 14 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 29° E., 220 meters to corner 27, a liusin tree, 30 cm. in diam., marked T. L. 874/9, identical to corner 13 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 19° E. 100 meters to corner 28, a baltic tree, 30 cm. in diam., marked T. L. 874/8, identical to corner 12 of block I, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 64° E., 180 meters to corner 29, a kulimutain tree, 20 cm. in diam., marked N. P. 1564/17, at the junction of Malico Creek and branch; thence following Malico Creek downstream, in a general southeasterly direction, 290 meters to corner 30, an Agar tree, 20 cm. in diam., marked N. P. 1564/22, at the junction of Malico Creek and Dullepey Creek; thence following Malico Creek downstream in a general northeasterly direction, about 380 meters to corner 31, a malabajo tree, 20 cm. in diam., marked N. P. 1564/28, at the head of a waterfall; thence following Malico Creek downstream in a general northeasterly direction, about 450 meters to corner 32, a stone, 250 by 5 ft., marked 1564/35, at the junction of Malico Creek and branch; thence following Malico Creek downstream in a general northeasterly direction, about 550 meters to corner 33, a stone, 150 by 3 ft., marked 1564/42, on south bank of Malico Creek; thence N.

77° E., 370 meters to corner 34, a tuai tree, 56 cm. in diam., marked T. L. 840/67, identical to corner 26 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 3° E., 210 meters to corner 35, a duguan tree, 28 cm. in diam. marked T. L. 840/74, identical to corner 25 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 5° E., 420 meters to corner 36, a tuai tree, 60 cm. in diam., marked T. L. 840/81, identical to corner 24 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 27° E., 550 meters to corner 37, a kuling baboy tree, 30 cm. in diam., marked T. L. 840/90, identical to corner 23 of block II, alienable and disposable Nueva Vizcaya project No. 7-A; thence S. 3° E., 420 meters to corner 38, a tuai tree, 60 cm. in diam., marked T. L. 840/94, identical to corner 22 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 23° W., 260 meters to corner 39, a himamao tree, 30 cm. in diam. marked T. L. 840/99, identical to corner 21 of block II, alienable and disposable Nueva Vizcaya project No. 7-A; thence S. 14° W., 150 meters to corner 40, a Ficus Sp. tree, 40 cm. in diam., marked T. L. 843/6, identical to corner 20 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 14° W., 150 meters to corner 41, a bayok tree, 20 cm. in diam., marked T. L. 843/10, identical to corner 19 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 71° W., 190 meters to corner 42, a ficus Sp. tree, 20 cm. in diam., marked T. L. 843/13, identical to corner 18 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 71° W., 200 meters to corner 43, an oak tree, 50 cm. in diam., marked T. L. 843/15, identical to corner 17 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 58° W., 170 meters to corner 44, a shorea Sp. tree, 20 cm. in diam., marked T. L. 843/20, identical to corner 16 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 2° W., 330 meters to corner 45, a ficus Sp. tree, 20 cm. in diam., marked T. L. 843/23, identical to corner 15 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 84° E., 340 meters to corner 46, a salingogon tree, 20 cm. in diam., marked T. L. 843/25, identical to corner 14 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 50° E., 310 meters to corner 47, a tuai tree, 70 cm. in diam., marked T. L. 843/34, identical to corner 13 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 60° E., 290 meters to corner 48, a white lauan tree, 70 cm. in diam., marked T. L. 843/40, identical to corner 12 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 57° E., 290 meters to corner 49, a nato tree, 50 cm. in diam., marked T. L. 843/50, identical to corner 11 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 9° E., 330 meters to corner 50, an oak tree, 40 cm. in diam., marked T. L. 843/53, identical to corner 10 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 1° W., 480 meters to corner 51, a white lauan tree, 25 cm. in diam., marked T. L. 842/80, identical to corner 9 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 46° W., 140 meters to corner 52, a ficus Sp. tree, 25 cm. in diam., marked T. L. 842/72, identical to corner 8 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 29° W., 380 meters to corner 53, a ficus Sp. tree, 20 cm. in diam., marked T. L. 842/66, identical to corner 7 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence N. 5° W., 420 meters to corner 54, an anunga tree,

80 cm. in diam., marked T. L. 842/63, identical to corner 6 of block II, alienable and disposable, Nueva Vizcaya project No. 7-A; thence S. 62° E., 590 meters to corner 55, a katabang tree, 25 cm. in diam., marked N. P. 1576/40, on north side of trail; thence S. 85° E., 440 meters to corner 56, a lingo lingo tree, 30 cm. in diam., marked N. P. 1576/33, at the edge of a kaiñgin on side of trail; thence S. 56° E., 370 meters to corner 57, a katabang tree, 35 cm. in diam., marked N. P. 1576/20, at the edge of cogon land on side of trail; thence N. 70° E., 440 meters to corner 58, a macaasim tree, 40 cm. in diam., marked N. P. 1576/17, on north side of trail; thence N. 75° E., 440 meters to corner 59, a malatibeg tree, 20 cm. in diam., marked N. P. 1576/10, at the junction of Barabac Creek and branch; thence following Barabac Creek downstream, in a general southeasterly direction, about 320 meters to corner 60, a maniknik tree, 35 cm. in diam., marked N. P. 1576/5, at the junction of Barabac Creek and branch; thence following Barabac Creek downstream in a general southerly direction, about 220 meters to corner 61, a pagsahingin tree, 20 cm. in diam., marked 844/23, identical to corner 6 of parcel I, Cn. P. of Imugan, Nueva Vizcaya; thence following Barabac Creek downstream in a general south and southeasterly directions, about 600 meters to corner 62, a stake identical to corner 5 of H-196272 of Leonardo Tindaan, Imugan; thence N. 79° 35' W., 141.23 meters to corner 63, a stake, identical to corner 4 of H-196272 of Leonardo Tindaan, Imugan; thence N. 76° 26' W., 135.58 meters to corner 64, a B. L. concrete monument, 15 by 60 cm., identical to corner 3 of H-196272 of Leonardo Tindaan, Imugan; thence S. 16° 34' W., 132.04 meters to corner 65, a B. L. concrete monument, 15 by 60 cm., identical to corner 2 of H-196272 of Leonardo Tindaan, Imugan; thence S. 73° 19' E., 425.70 meters to corner 66, a B. L. concrete monument, 15 by 60 cm., identical to corner 1 of H-196272 of Leonardo Tindaan, Imugan; thence S. 45° E., 240 meters to corner 67, an arosip tree, 20 cm. in diam., marked 844/36, identical to corner 4, Cn. F. parcel I of Imugan, Nueva Vizcaya; thence N. 49° E., 110 meters to corner 68, a palosapis tree, 80 cm. in diam., marked F. Z. 265/8, identical to corner 43 of alienable and disposable block, Nueva Vizcaya project No. 7; thence E. 72° E., 130 meters to corner 69, a palosapis tree, 120 cm. in diam., marked F. Z. 265/7, identical to corner 42 of alienable and disposable block, Nueva Vizcaya project No. 7; thence S. 33° E., 130 meters to corner 70, an arosip tree, 40 cm. in diam., marked F. Z. 265/4, identical to corner 41 of alienable and disposable block, Nueva Vizcaya project No. 7; thence following Provincial Road in a general northeasterly direction, about 285 meters to corner 71, a point, on east side of Provincial Road; thence N. 44° E., 120 meters to corner 72, a bareweswes tree, 25 cm. in diam., marked F. Z. 266/14, identical to corner 40 of alienable and disposable block, Nueva Vizcaya project No. 7; thence N. 27° E., 188 meters to corner 73, a pusopuso tree, 40 cm. in diam., marked F. Z. 266/15, identical to corner 39 of alienable and disposable block, Nueva Vizcaya project No. 7; thence S. 55° E., 60 meters to corner 74, an arosip tree, 20 cm. in diam., marked F. Z. 266/17, identical to corner 38 of alienable and disposable block, Nueva Vizcaya project No. 7; thence S. 3° E., 150 meters to corner 75, a pile of stones, identical to corner 37 of alienable and disposable block, Nueva Vizcaya project No. 7; thence S. 60° E., 300 meters to corner 76, an arosip tree, 20 cm. in diam., marked F. Z. 266/19, identical to corner 36 of alienable and disposable block, Nueva

Vizcaya project No. 7; thence S. 55° E., 300 meters to corner 77, a pile of stones, identical to corner 35 of alienable and disposable block Nueva Vizcaya project No. 7; thence S. 18° E., 480 meters to corner 78, an arosip tree, 20 cm. in diam., marked F. Z. 266/22, identical to corner 34 of alienable and disposable block, Nueva Vizcaya project No. 7; thence S. 48° E., 300 meters to corner 79, an arosip tree, 15 cm. in diam., marked F. Z. 266/23, identical to corner 33 of alienable and disposable block, Nueva Vizcaya project No. 7; thence N. 34° E., 330 meters to corner 80, an arosip tree, 20 cm. in diam., marked F. Z. 266/24, identical to corner 32 of alienable and disposable block, Nueva Vizcaya project No. 7; thence N. 81° E., 385 meters to corner 81, a tusi tree, 20 cm. in diam., marked F. Z. 266/25, identical to corner 31 of alienable and disposable block, Nueva Vizcaya project No. 7; thence following Atbu River upstream in a general southeasterly direction, about 610 meters to corner 82, a malabajo tree, 20 cm. in diam., marked N. P. 1575/67, at the edge of kaiñgin on bank of Atbu River; thence following Atbu River upstream, in a general southwesterly direction about 720 meters to corner 83, a tuai tree, 90 cm. in diam., marked N. P. 1575/58, at the junction of Atbu River and Lalayan Creek; thence following Atbu River upstream in a general southwesterly direction, about 270 meters to corner 84, a ligas tree, 20 cm. in diam., marked N. P. 1575/54, at the junction of Tactac Creek and branch; thence following Tactac Creek upstream in a general southwesterly direction, about 470 meters to corner 85, a balinghasal tree, 20 cm. in diam., marked N. P. 1575/45, on north bank of Tactac Creek; thence following Tactac Creek upstream in a general northwesterly direction, about 580 meters to corner 86, a eugenia Sp. tree, 25 cm. in diam., marked N. P. 1575/36, at the junction of creeks; thence following Tactac Creek, upstream in a general southwesterly direction, about 470 meters to corner 87, a tuai tree, 20 cm. in diam., marked N. P. 1575/28, at the junction of creeks; thence S. 59° W., 310 meters to corner 88, a Eugenia Sp. tree, 35 cm., in diam., marked N. P. 1575/13 at the junction of creek and provincial boundary line between Nueva Vizcaya and Nueva Ecija; thence S. 71° W., 640 meters to corner 89 a P. M. B. No. 2, identical to corner 5 of lot 2 of Talavera Watershed Forest Reserve (F. R.-86); and thence S. 69° 15' W., 163.08 meters to corner 1, the point of beginning.

Containing an approximate area of 3,660 hectares.

Corners 10 to 15, 29 to 31, 55 to 60 and to 88 were marked with official marking hatchet No. B. F.-720; corners 16, 22 to 28, 34 to 50, 67 to 70, 72 to 74, 76 and 78 to 81 with B. F.-113; corners 17 to 21, 51 to 54 and 61 with B. F.-314.

In witness whereof, I have hereunto set my hand and caused the seal of the Commonwealth of the Philippines to be affixed.

Done at the City of Manila, this nineteenth day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

[SEAL]

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

VETOES BY THE PRESIDENT**BONDS FOR CITY OF ILOILO**MANILA, *June 19, 1941*

GENTLEMEN OF THE NATIONAL ASSEMBLY:

I am constrained, with much regret, to disapprove Bill No. 2349, entitled "Ley que autoriza a la Ciudad de Iloilo para emitir bonos con el objeto de arbitrar fondos para mejoras permanentes."

This bill is one of those that I certified under the provision of Article VI, section 12, paragraph (2), of the Constitution, assuming naturally that the National Assembly, before approving it, would bear in mind the net paying capacity of the City of Iloilo. It appears, however, from information received from the Secretary of Finance, the Auditor General, the Commissioner of the Budget, and the Treasurer of the Philippines that the net paying capacity of the City of Iloilo, after considering its present outstanding loans and on the basis of its financial operations for the last four and one-half years, is very much below the amount of ₱650,000 sought to be borrowed by the said city through the issuance of bonds. Hence, I can not give my approval to the bill under consideration.

Respectfully,

MANUEL L. QUEZON
President of the Philippines

THE NATIONAL ASSEMBLY
Manila

APPRENTICE MATESMANILA, *June 19, 1941*

GENTLEMEN OF THE NATIONAL ASSEMBLY:

I have today disapproved Bill No. 3023, entitled "An Act to provide for the employment of apprentice mates in certain vessels registered in the Philippines."

This bill was passed by the National Assembly for the purpose undoubtedly of extending the necessary facilities to the graduates or cadets of the Philippine Nautical School or other nautical schools recognized by the Government, so as to enable them to acquire the necessary practical knowledge of navigation on board Philippine vessels. I am fully in accord with such purpose, as the Philippines is essentially a maritime country and the building of our merchant

marine is an important activity that needs the serious attention of the Government.

I am constrained, however, to veto the bill because of certain provisions thereof which may render nugatory the purpose behind the proposed enactment. Particular attention is invited to that provision which extends the requirement of having not less than one apprentice mate even to steam vessels with a minimum tonnage of 100 gross tons. Under the provisions of section 1203(d) of the Revised Administrative Code, vessels of 100 gross tons but less than 250 are under the command of only a first mate or a major patron who shall have charge of the vessel as master. As the intention of the bill, as pointed out above, is apparently to afford facilities to graduates or cadets of nautical schools to acquire a more thorough and practical knowledge of navigation by requiring them to work as apprentice mates under the supervision and guidance of competent instructors, it is believed that such apprentice mates should work on vessels under the command of persons who are holders of certificates as master, and not under first mates or patrons. Inasmuch as under the provisions of section 1203(c) of the same Code, it is only vessels having a minimum tonnage of 250 gross tons that are required to be under the command of a master, it is suggested that for the purpose of a more effective training for apprentice mates, the bill be amended at the next session of the Congress of the Philippines so as to require that the minimum tonnage of a vessel required to have on board one apprentice mate should be 250 instead of 100 gross tons.

Attention is also invited to the provision in the bill requiring that an apprentice mate should have only completed at least one school year of theoretical instruction in the Philippine Nautical School or in any other nautical school recognized by the Government. The present law requires, among others, that an applicant for a certificate as third mate shall produce a certificate of graduation from the Philippine Nautical School, or from any other officially recognized nautical school. I cannot, therefore, see any reason why the Government should oblige owners of vessels to accept as apprentice mates persons who possess lower qualifications than those required for the examination for third mate. Under the proposed arrangement, the result would be that an apprentice mate who is not a nautical school graduate, after having served on board a steamer for a period of two years required by law, will still have to return to the nautical school for completion of his course

to entitle him to a certificate of graduation before he can be admitted to a third mate examination.

This bill was one of those that I certified for the purposes of Article VI, section 12, paragraph (2), of the Constitution upon the assurance made to me by the legislative leaders that the defect pointed out in the next preceding paragraph would be corrected. In view of the failure of the National Assembly to correct such defect, and as the proposed measure would be too burdensome on steamers of small tonnage because of their limited capacity, I cannot give my approval to the bill under consideration.

Respectfully,

MANUEL L. QUEZON
President of the Philippines

THE NATIONAL ASSEMBLY
Manila

"CITY OF LIPA"

MANILA, June 21, 1941

GENTLEMEN OF THE NATIONAL ASSEMBLY:

I have the honor to inform you that I have today disapproved Bill No. 1818, entitled "An Act creating the City of Lipa."

On June 18, 1938, I vetoed a similar bill (No. 3499) on the ground that the conversion of a municipality, not the capital of a province, into a chartered city, would initiate a new policy in the establishment of political subdivisions in the Philippines which, in the long run, might affect the reorganization of the provinces themselves. I desired then to submit the question *de novo* to the National Assembly, and at the same time indicated that if the National Assembly should insist in passing the bill at its next session, I would not object to it. It is this consideration that induced me to include the bill (No. 1818) among those that I certified on May 20, 1941, for the purposes of Article VI, section 12, paragraph (2), of the Constitution.

I naturally assumed, upon certifying this bill, that before finally approving it for the second time, the National Assembly should also take into consideration the effect that the measure would have on the financial stability of the province from which the proposed city will be segregated. Upon going over the financial statements submitted to me by the Secretary of Finance in relation to this bill, I find that the segregation of the proposed City of Lipa from the Province of Batangas will represent a net loss of about

8 per cent of the estimated current income of the province for the present fiscal year. This is explained by the fact that, upon granting a municipality a special charter, such municipality is taken out from the control of the province and granted allotments which normally go to the province. The Province of Batangas will, therefore, be confronted with the problem of whether the loss in income above referred to may enable it to readjust its administrative organization to a point where such loss can be absorbed without harmful effects upon the public service. The precarious situation in which the Province of Batangas will be placed as a result of its decreased financial income will be rendered more difficult in the face of the increased expenditures due to the coming elections and increased attendance in provincial high schools in view of which the Governor and practically all the Mayors of the province have protested against the bill.

Furthermore, I note that the bill contains certain provisions which are not in accordance with the existing laws and regulations. As an instance, there may be mentioned the provisions of section 9 (*k*) of the bill which empowers the Mayor to grant or refuse municipal licenses or permits of all classes and to revoke the same, and of section 15 (*n*) which empowers the Municipal Board to regulate and fix the amount of the license fees for clubs, bowling alleys, horse races, race tracks, etc., which provisions conflict with those of Commonwealth Act No. 601 and the rules and regulations issued thereunder. The bill also suffers from some other minor defects which need not be mentioned herein.

In view, therefore, of the foregoing, I regret that there is no other alternative course for me to take than to veto the bill under consideration.

Respectfully,

MANUEL L. QUEZON
President of the Philippines

THE NATIONAL ASSEMBLY
Manila

DISEASED LARGE CATTLE

MANILA, *June 21, 1941*

GENTLEMEN OF THE NATIONAL ASSEMBLY:

I have today disapproved Bill No. 2140, entitled "An Act providing for the compulsory destruction of large cattle affected with incurable communicable diseases."

While I am in accord with the objectives of the bill, I am constrained to withhold my approval thereto because the amount of ₱100,000 which is appropriated in the bill from the Coconut Oil Excise Tax Fund for the compensation of the animals destroyed in accordance with its provisions was not included in the separate Budget of the Fund for the fiscal year 1942, Commonwealth Act No. 627, pursuant to the provisions of section 19(a) of the Act of Congress of March 24, 1934, as amended. The bill creates a recurring expenditure which, as soon as the Coconut Oil Excise Tax ceases to accrue to the Philippine Treasury, will fall on the General Fund, the condition of which may then not permit the carrying of this additional load along with the maintenance of the essential services now in existence. Furthermore, I seriously doubt if the Government should pay compensation for the destruction of animals afflicted with incurable communicable diseases, as such animals have, strictly speaking, no value whatsoever, and should at any rate be destroyed as a health and police measure.

Respectfully,

MANUEL L. QUEZON
President of the Philippines

THE NATIONAL ASSEMBLY
Manila

FREE MEDICAL ATTENDANCE

MANILA, June 21, 1941

GENTLEMEN OF THE NATIONAL ASSEMBLY:

I have the honor to inform you that I have today disapproved Bill No. 2929, entitled "An Act providing for gratuitous medical attendance of poor or indigent persons in Government hospitals, dispensaries, and clinics."

I do not consider the approval of this bill necessary because the objectives sought to be accomplished thereby may be effected by the adoption of rules and regulations which, in so far as practicable, it is my purpose to prescribe.

Respectfully,

MANUEL L. QUEZON
President of the Philippines

THE NATIONAL ASSEMBLY
Manila

**DEPARTMENT AND BUREAU ADMINISTRATIVE
ORDERS AND REGULATIONS****DEPARTMENT OF JUSTICE****VACATION JUDGE FOR ISABELA AND NUEVA
VIZCAYA***April 28, 1941*

ADMINISTRATIVE ORDER }
No. 78 }

In the interest of the administration of justice, the Honorable Proceso Sebastian, Judge of the Fifth Judicial District, is hereby designated, in addition to the Honorable Pio Fajardo, to act as Vacation Judge for the Provinces of Isabela and Nueva Vizcaya during the month of May, 1941.

This further amends Administrative Order No. 40, series of 1941, of this Department insofar as the assignment of vacation judges for the Provinces of Isabela and Nueva Vizcaya is concerned.

EMILIO ABELLO
Undersecretary of Justice

JUDGE SEBASTIAN TO LAGUNA*May 2, 1941*

ADMINISTRATIVE ORDER }
No. 79 }

In the interest of the administration of justice, the Honorable Proceso Sebastian, Judge of the Fifth Judicial District, is hereby authorized to hold court in the Province of Laguna during the month of May, 1941, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

JUDGE FAROL TO NUEVA ECIJA*May 2, 1941*

ADMINISTRATIVE ORDER }
No. 80 }

In the interest of the administration of justice, the Honorable Meynardo M. Farol, Cadastral Judge, is hereby authorized to hold court in the Province of Nueva Ecija

during the month of May, 1941, for the purpose of trying land registration and cadastral cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

VACATION JUDGE FOR SAMAR AND CEBU

May 5, 1941

ADMINISTRATIVE ORDER }
No. 81 }

In the interest of the administration of justice, the Honorable Fortunato Borromeo Veloso, Judge of the Eighth Judicial District, is hereby designated vacation judge for the Province of Samar, besides Cebu, during the month of May, 1941.

This amends Administrative Order No. 40, series of 1941, insofar as the assignment of Vacation Judge for Samar is concerned.

EMILIO ABELLO
Undersecretary of Justice

JUDGE DE LA RAMA TO CEBU

May 3, 1941

ADMINISTRATIVE ORDER }
No. 82 }

In the interest of the administration of justice, and pursuant to his request, the Honorable Jose de la Rama, Judge of the Eighth Judicial District, is hereby authorized to hold court in the Province of Cebu during the month of May, 1941, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

TO DECIDE CADASTRAL CASES

April 9, 1941

ADMINISTRATIVE ORDER }
No. 83 }

In the interest of the administration of justice and pursuant to his request, the Honorable Meynardo M. Farol, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized to decide in Aringay, La Union, all lots, contested and non-contested, heard by him while hold-

ing court at Misamis, Misamis Occidental, during the month of March, 1941.

EMILIO ABELLO
Undersecretary of Justice

SPECIAL TERM OF COURT

May 5, 1941

ADMINISTRATIVE ORDER }
No. 84 }

In the interest of the administration of justice and pursuant to his request, the Honorable Potenciano Pecson, Judge of the Ninth Judicial District, is hereby authorized to hold special term of court in the municipality of Pagadian, Province of Zamboanga, from June 23 to 28, 1941, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

VACATION JUDGE FOR THREE PROVINCES

May 6, 1941

ADMINISTRATIVE ORDER }
No. 85 }

In addition to his assignment as Vacation Judge for the Province of Capiz, the Honorable Conrado Barrios, Judge of the Seventh Judicial District, is also hereby designated to remain on duty as Vacation Judge for the Provinces of Iloilo, Antique and Romblon in May, 1941, and authorized to hold court at any municipality within the provinces for which he has been designated, for the purpose of trying all kinds of cases, and to enter final judgments therein, giving preference to criminal cases with prisoners.

This relieves Judge Catalino Buenaventura from his assignment as Vacation Judge for the Provinces of Iloilo, Capiz, Antique and Romblon during the month of May.

EMILIO ABELLO
Undersecretary of Justice

JUDGE DAVID TO MANILA

May 8, 1941

ADMINISTRATIVE ORDER }
No. 86 }

In the interest of the administration of justice, the Honorable Jose Gutierrez David, Judge of the Fifth Judicial

District, is hereby authorized to hold court at Manila (Fourth Judicial District) during the month of June, 1941, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

TO DECIDE SPECIAL CASES

May 6, 1941

ADMINISTRATIVE ORDER }
No. 87

In the interest of the administration of justice, the Honorable Vicente Albert, Judge-at-large, is hereby authorized to decide in Manila the following cases:

Civil cases Nos. 3048, Pedro Alcantara *vs.* Pedro de la Viña et al., and 3176, Micayla Gelilang et al. *vs.* Nicanor Gimenez; and lots Nos. 207, 210, 217 and 225, Cadastral Case No. 18, G. L. R. O. Cad. Record No. 714, of the Court of First Instance of Capiz; and

Civil cases Nos. 609, Testate proceedings of the late Mauricio Asinas; and 772, Juan Morante et al. *vs.* Pedro de la Cruz, of the Court of First Instance of Romblon.

EMILIO ABELLO
Undersecretary of Justice

VACATION JUDGE FOR ILOCOS NORTE

May 8, 1941

ADMINISTRATIVE ORDER }
No. 88

In addition to his assignment as Vacation Judge for the Provinces of Ilocos Sur and Abra, the Honorable Jose S. Bautista, Judge of the First Judicial District, is also hereby designated to remain on duty as Vacation Judge for the Province of Ilocos Norte in May, 1941, and authorized to hold court at any municipality within the provinces for which he has been designated, for the purpose of trying all kinds of cases, and to enter final judgments therein, giving preference to criminal cases with prisoners.

This relieves Judge Francisco E. Jose from his assignment as Vacation Judge for the Province of Ilocos Norte during the month of May.

EMILIO ABELLO
Undersecretary of Justice

TO TRY CADASTRAL CASES*May 5, 1941*

ADMINISTRATIVE ORDER }
No. 89 }

In the interest of the administration of justice, the Honorable Emilio Rilloraza, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized beginning June 2, 1941, or as soon thereafter as possible, to hold court in the municipality of Santa Cruz, Laguna, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

JUDGE FAROL TO HEAR CADASTRAL CASES*May 5, 1941*

ADMINISTRATIVE ORDER }
No. 90 }

In the interest of the administration of justice, the Honorable Meynardo M. Farol, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized beginning June 2, 1941, or as soon thereafter as possible, to hold court in the municipality of Aringay, La Union, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

JUDGE BLANCO TO ILOCOS NORTE*May 5, 1941*

ADMINISTRATIVE ORDER }
No. 91 }

In the interest of the administration of justice, the Honorable Manuel Blanco, Judge of First Instance under Commonwealth Act No. 504, is hereby authorized beginning June 2, 1941, or as soon thereafter as possible, to hold court in the municipality of Laoag, Ilocos Norte, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

CASE FOR DECISION

May 7, 1941

ADMINISTRATIVE ORDER }
No. 92

In the interest of the administration of justice and pursuant to his request, the Honorable Fidel Ibañez, Judge-at-large, is hereby authorized to decide in Lingayen, Pangasinan, civil case No. 4602, entitled Santiago Labasan, et al., vs. Clemente Pagdilao, et al., which was tried by him while holding court in the Province of Ilocos Norte.

EMILIO ABELLO
Undersecretary of Justice

VACATION JUDGE FOR SAMAR

May 10, 1941

ADMINISTRATIVE ORDER }
No. 93

In addition to his assignment as Vacation Judge for the Provinces of Leyte and Bohol, the Honorable Froilan Bayona, Judge of the Ninth Judicial District, is also hereby designated to remain on duty as Vacation Judge for the Province of Samar in May, 1941, and authorized to hold court at any municipality within the provinces for which he has been designated, for the purpose of trying all kinds of cases, and to enter final judgments therein.

This further amends Administrative Order No. 40, current series, in so far as the assignment of Vacation Judge for Samar is concerned.

EMILIO ABELLO
Undersecretary of Justice

MOTIONS FOR RECONSIDERATION

May 12, 1941

ADMINISTRATIVE ORDER }
No. 94

In the interest of the administration of justice, the Honorable Vicente Albert, Judge-at-large, is hereby authorized to consider and determine in Manila the motions for the reconsideration of the decision rendered in civil case No. 698 of the Court of First Instance of Baguio, entitled "Filipinas, etc. vs. Isidro Yaptinchay et al."

EMILIO ABELLO
Undersecretary of Justice

TO HOLD COURT IN ALBAY*May 12, 1941*ADMINISTRATIVE ORDER }
No. 95 }

In the interest of the administration of justice, the Honorable Felix Bautista Angelo, Judge of the Eighth Judicial District, is hereby authorized to hold court in the Province of Albay, beginning May 16, 1941, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

TO HOLD COURT AT SAN FERNANDO, PAMPANGA*May 12, 1941*ADMINISTRATIVE ORDER }
No. 96 }

In the interest of the administration of justice and pursuant to his request, the Honorable Jose Ma. Paredes, Judge of the Third Judicial District, is hereby authorized to hold court at San Fernando, Pampanga, from May 23 to 31, 1941, for the purpose of terminating the hearing of Election Case No. 6949, entitled Pedro C. Tan *vs.* Casto Alejandrino, et al., and to enter final judgment therein.

EMILIO ABELLO
Undersecretary of Justice

TO SIGN DECISIONS*May 12, 1941*ADMINISTRATIVE ORDER }
No. 97 }

In the interest of the administration of justice and pursuant to his request, the Honorable Alejo Labrador, Judge of the Fifth Judicial District, is hereby authorized to sign at Pasig, Rizal, the decisions as to lots Nos. 1 to 10 in Land Registration Case No. 2215, G. L. R. O. Record No. 53995, and the orders as to lot No. 406 in Cadastral Case No. 1, G. L. R. O. Record No. 136, and lot No. 588 in Cadastral Case No. 6, G. L. R. O. Record No. 190, for the approval of subdivision plans Psd-10573 and 60546.

EMILIO ABELLO
Undersecretary of Justice

JUDGE VELOSO TO BOHOL*May 15, 1941*ADMINISTRATIVE ORDER }
No. 98 }

In the interest of the administration of justice, the Honorable Fortunato Borromeo Veloso, Judge of the Eighth Judicial District, is hereby authorized to hold Court in the Province of Bohol during the month of May, 1941, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO

*Undersecretary of Justice***JUDGE REGALA ON DETAIL WORK***May 6, 1941*ADMINISTRATIVE ORDER }
No. 99 }

In the interest of the public service, the Honorable Roberto Regala, Judge-at-large, is hereby detailed to the Department of Justice until further orders.

EMILIO ABELLO

*Undersecretary of Justice***ON DUTY AS VACATION JUDGE***May 6, 1941*ADMINISTRATIVE ORDER }
No. 100 }

In addition to the authority granted him under Administrative Order No. 77 of this Department, series of 1941, Honorable Amado P. Amador, Judge-at-large, is hereby designated to remain on duty as Vacation Judge for the Mountain Province and La Union in May, 1941, only for interlocutory matters.

This further amends Administrative Orders Nos. 40 and 77, current series.

EMILIO ABELLO

*Undersecretary of Justice***CADASTRAL HEARINGS***May 9, 1941*ADMINISTRATIVE ORDER }
No. 101 }

In the interest of the administration of justice, the Honorable Emiliano A. Ramos, Judge of First Instance under

Commonwealth Act No. 504, is hereby authorized beginning June 9, 1941, or as soon thereafter as possible, to hold court in the municipality of Jones, Province of Isabela, for the purpose of trying land registration and cadastral cases and to enter final judgments therein.

JOSE ABAD SANTOS
Secretary of Justice

TO DECIDE CAVITE CASES

May 16, 1941

ADMINISTRATIVE ORDER }
No. 102 }

In the interest of the administration of justice and pursuant to his request, the Honorable Jose Gutierrez David, Judge of the Fifth Judicial District, is hereby authorized to decide in Manila those cases tried by him while holding court in the Province of Cavite and the City of Tagaytay.

EMILIO ABELLO
Undersecretary of Justice

TO TRY ILOILO CASES

May 22, 1941

ADMINISTRATIVE ORDER }
No. 103 }

In the interest of the administration of justice, the Honorable Pio Fajardo, Judge-at-large, is hereby authorized to hold court in the Province of Iloilo, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

JUDGE AMADOR TO ILOILO

May 22, 1941

ADMINISTRATIVE ORDER }
No. 104 }

In the interest of the administration of justice, the Honorable Doroteo Amador, Judge-at-large, is hereby authorized to hold court in the Province of Iloilo, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose

of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

JUDGE SANTOS TO TARLAC

May 22, 1941

ADMINISTRATIVE ORDER }
No. 105 }

In the interest of the administration of justice, the Honorable Ambrosio Santos, Judge-at-large, is hereby authorized to hold court in the Province of Tarlac, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

JUDGE REGALA TO CAVITE

May 22, 1941

ADMINISTRATIVE ORDER }
No. 106 }

In the interest of the administration of justice, the Honorable Roberto Regala, Judge-at-large, is hereby authorized to hold court in the Province of Cavite, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

COURT SESSIONS IN ANTIQUE

May 22, 1941

ADMINISTRATIVE ORDER }
No. 107 }

In the interest of the administration of justice, the Honorable Vicente Albert, Judge-at-large, is hereby authorized to hold court in the Province of Antique, beginning June 2, 1941, or as soon thereafter as practicable, for the purpose of trying all kinds of cases, and to enter final judgments therein.

EMILIO ABELLO
Undersecretary of Justice

DEPARTMENT OF LABOR

MINE SAFETY RULES AND REGULATIONS

RULE 1

GENERAL PROVISIONS

SECTION 1. Under section 6 of Act No. 104, it is the duty of the manager, superintendent or other officer directly concerned to see to it that provisions contained in these rules addressed to the laborers and employees are properly carried out or complied with. Violation of these rules by the employees and laborers will not affect adversely their rights under existing laws.

SEC. 2. The employer shall take every reasonable precaution necessary to insure the safety of the employee while on duty and shall provide all necessary facilities for safe, sanitary and healthful working conditions, whether or not provided for in these rules. He shall also provide for the hospitalization and medical facilities required by law, and for the transportation of injured employees to the hospital, and shall maintain first aid stations equipped with suitable first aid kits at appropriate central points in the works.

SEC. 3. The employee shall coöperate in the promotion of safety and sanitation by faithfully observing all rules and notices pertaining thereto, by promptly reporting all accidents of whatever nature and description, and all unsafe and unsanitary conditions, by assisting his fellow workmen in the avoidance of accidents and warning them of dangerous conditions, and by reporting for duty well-rested, sober and in such condition as to enable him to use all ordinary precautions to avoid accidents. He shall also submit to such physical examination as the employer may demand prior to and during employment, and to vaccination or any other treatment recommended by the Company's physicians to prevent epidemics.

SEC. 4. All injuries, however slight, shall be promptly reported to those in charge of the work who will assist the injured and see that he receives medical assistance without delay. Instructions given by medical attendants shall be followed implicitly. If the injured is unable to report, his fellow workmen shall call the nearest first aid expert who shall decide whether the injured may be moved or not.

SEC. 5. No person shall enter areas known to be dangerous or pass danger signals without the proper authority. Such signals are placed for the workmen's protection and must be respected.

SEC. 6. No nuisance shall be committed anywhere in the works. Use the latrines or other conveniences provided. Garbage, kitchen water, and other wastes must be deposited in the proper receptacles. The drying of fish and meat and any other practices which attract flies are prohibited.

The following safety rules shall be applied to mines that employ not less than thirty (30) men underground at any one time:

RULE 2

SAFETY ENGINEER OR SAFETY INSPECTOR

SECTION 1. The superintendent of each industrial enterprise shall appoint a safety engineer or safety inspector whose duty it shall be to inspect the premises at regular intervals, and to report to the superintendent all unsafe and insanitary conditions found by him;

to receive the reports of employees about such conditions; to instruct workmen in accident prevention, first aid and sanitation; to organize safety committees; and to conduct meetings of committees for the promotion of safety and sanitation.

SEC. 2. The safety engineer or safety inspector shall also see that all dangerous places are properly fenced off and provided with conspicuous danger signals, and shall properly mark all safety exits from the mine.

SEC. 3. No person shall be appointed safety engineer or safety inspector unless he has had at least three (3) years' actual experience in the same class of work as that of the establishment wherein he is to act as safety engineer or safety inspector. In cases where the total number of men employed is less than two hundred (200), the superintendent may, himself, act as safety engineer or safety inspector, provided he has the aforesaid qualifications.

RULE 3

SUPERINTENDENT

SECTION 1. The superintendent shall immediately investigate or cause to be investigated all unsafe and insanitary conditions reported to him, and shall immediately take steps to correct such conditions whenever the complaints made are justified. He shall make a monthly report to the Safety Council of the Department of Labor showing all lost-time accidents and injuries arising out of and in the course of employment, as well as any change in conditions which might materially increase the hazards of the operation under his supervision. He shall also submit to the Safety Council of the Department of Labor a monthly report of all meetings held by the Safety Engineer or Safety Inspector and committees for discussion and instruction in accident prevention, first aid and sanitation, and shall cause a bulletin board to be maintained in a conspicuous place where it may be seen by employees, whereon shall be posted all notices, etc., regarding safety and sanitation.

SEC. 2. Only the superintendent shall issue permits to visitors. Without such permit, no stranger or visitor shall be allowed in any mine or mill, and then only when accompanied by a competent person designated by the superintendent.

RULE 4

UNDERGROUND WORKERS

SECTION 1. Safety nonmetallic type hats approved by the Safety Council of the Department of Labor must be worn by all persons going underground.

SEC. 2. No persons shall be permitted to enter any mine while under the influence of intoxicating liquor and no one shall carry intoxicating liquor into the same.

SEC. 3. Watch for danger signals.

SEC. 4. Keep all openings on the floor covered.

SEC. 5. Pile all materials neatly and at a safe distance from any tract or passageway so that they cannot possibly fall down and impede traffic.

SEC. 6. Keep all escape-ways and places of refuge clean. Do not permit the accumulation of trash which will prevent the proper use of such places.

SEC. 7. All plank floors whether in stopes or over raises, covering ditches or sumps, must be kept securely nailed down and evenly

laid so that there will be no chance of falling through the planking or tripping over projecting edges.

SEC. 8. No open light shall be left burning unguarded in any mine.

SEC. 9. Inform immediately those in charge of any unsafe conditions found.

SEC. 10. Do not carry tools upon your shoulder in any working.

SEC. 11. Oil waste, old timber or refuse of any kind shall not be permitted to accumulate underground.

SEC. 12. No unauthorized person shall change any valve or switch, open or close any ventilation, gate, chute, raise or shaft gates, or in any way change existing conditions.

SEC. 13. All persons, upon entering a mine, shall go directly to their working place and shall not loiter or go into abandoned parts of the mine.

SEC. 14. All persons are forbidden to ride on any moving equipment, except that specially designed for the transportation of personnel.

SEC. 15. No man shall be employed at a working face at such a distance from another that his cries in case of need cannot be heard, unless he is in communication with another employee at least once every hour.

SEC. 16. All defects in, or damage or injury to, machinery or timbering, or to apparatus and equipment in general in and about a mine, and all unsafe or dangerous conditions in the course of mine operations, even though not resulting in personal injury, shall be promptly reported to those in charge by the person observing the same.

SEC. 17. No person shall, without authority, handle electric wires or conductors, or electrical apparatus of any kind, or enter an electrical machine room or electrical underground station.

SEC. 18. All loose pieces of rock or ore must be barred down before work is started. The ground must be tested several times during the shift. Always stand to one side when pulling or picking down loose rock.

SEC. 19. When laborers are working one above the other or in any position where they might be injured by falling rocks or debris of any kind, they must inform one another before work is started.

SEC. 20. It is forbidden to get on or off a cage, skip, or bucket, while same is in motion.

SEC. 21. Drill steel or other material must be placed far enough from the collar of any shaft, manway, raise or winze, to prevent it from falling down the opening.

SEC. 22. When drilling or striking or breaking any boulder or slab, with hammer or pick, always examine same before starting work to see whether it contains a drill hole filled with dynamite or not.

SEC. 23. No flooring, lagging, or timbering of any kind whatsoever which would make a dangerous opening, shall be removed.

SEC. 24. Only men familiar with the mine shaft shall be allowed to ride on the bail of the skip.

SEC. 25. No person shall handle or place a compressed air line or hose in such a position as to cause injury to a fellow employee.

SEC. 26. Only a bar blunt on one end shall be used for loading at chutes.

SEC. 27. All spikes or nails with points projecting shall be bent down or removed from lumber lying in working places or passageways.

SEC. 28. The timbers in all manways shall be cleared of loose rock lodged upon them as often as necessary to keep them in safe condition for the passage of men. Manways shall be kept clear of obstructions.

SEC. 29. Winzes or other openings on the floor of mine workings shall be so protected that persons will not fall into them.

SEC. 30. Drifts, used as manways, intersecting overhead working through which material is dropped, shall be closed to the passage of persons whenever material is dropped through such working.

SEC. 31. On every mine level in which mechanical haulage is employed, there shall be, at intervals of not more than two hundred (200) feet, places of refuge affording a space of at least two and one-half (2½) feet in width between the widest portion of the car or train running on the track and the side of the refuge.

SEC. 32. Do not crowd or jostle your companion. Horseplay underground is not permitted.

SEC. 33. Extinguish your lamp before getting in the cage.

SEC. 34. Stand with your face toward the signal cord.

SEC. 35. No unauthorized person shall pull the signal bell while in a cage, except in cases of emergency.

SEC. 36. Do not smoke in the cage.

SEC. 37. After you get off the cage see that all gates and doors are closed.

SEC. 38. Watch out for trains and cars. They are not easy to control on steep grades, so find a safe place to step aside as soon as you hear them.

SEC. 39. Be careful in passing under manways and chutes.

SEC. 40. Always signal before starting up a manway.

SEC. 41. Do not drive nails in timbers to hang your lamp on and then leave them projecting where they will catch and injure someone passing by.

SEC. 42. Do not empty carbide lamps in passageways.

SEC. 43. Do not approach any carbide containers with an open light.

SEC. 44. Carry a waterproof match box or a match box in dry place.

RULE 5

MINERS

SECTION 1. In tamping powder use only wooden loading sticks cut off square on each end. Tamp by pressure only.

SEC. 2. Smoking, when loading holes, is strictly forbidden. Lighted candles and lamps must be left outside of powder magazine, and matches must not be lighted within the magazine.

SEC. 3. Do not try to extract explosive from a "missed hole." When in doubt, ask the boss.

SEC. 4. Before blasting, give warnings in every direction.

SEC. 5. Report all "missed holes" as directed by the boss. The number of explosions in every blast shall be counted by the miner firing the same. In case of a "missed hole", do not return to your working place within forty-five (45) minutes after blasting.

SEC. 6. Miners must not deepen holes, or any parts of holes which have previously been charged with explosives.

SEC. 7. Caps, electric exploders and powder must immediately be put in a safe place and not left lying about the mine.

SEC. 8. No man shall spit around of holes by himself. He must always have an assistant.

SEC. 9. Machines and all metal tools shall be removed from the working face before explosives are delivered to it.

SEC. 10. Miners should take special note of working conditions around them, and if any shoveler or trammer is following an unsafe practice, they should inform him.

SEC. 11. Examine the back and sides before going to the breast, as the blast may have loosened something that was previously considered safe. Be sure that no one is under you when you are barring down.

SEC. 12. Keep floor clean behind you so that in stepping back you will not stumble.

SEC. 13. Keep all unused tools and other working material stacked neatly back out of the way while working.

SEC. 14. When entering a stope, see that the floors have a safe bearing.

SEC. 15. Bar down before starting to set up.

SEC. 16. Don't drill in loose ground without first making it safe by barring down or timbering.

SEC. 17. Examine the back and face and see that there are no missed holes before drilling.

SEC. 18. Don't drill from an improper staging. Make it strong.

SEC. 19. Miners and timbermen, depending on the location of the work, shall be responsible for the safety of the roof and walls in their working places, and shall not permit a shoveler to work under a place until it is considered safe.

SEC. 20. Keep your machine properly oiled.

SEC. 21. Steel should not be thrown down manways. It should be lowered with a rope, or passed from set to set.

SEC. 22. Never blast at any time except blasting time without special permission from the shift boss, and then only when employees in the vicinity have been properly notified. The superintendent shall specify and post regular blasting hours.

SEC. 23. When drilling with "stopper", stand in a proper position so that balance will not be lost if steel breaks.

SEC. 24. Read special rules under blasting.

RULE 6

SPECIAL BLASTING RULES

SECTION 1. Don't be careless with powder. You might "get by" with it, but remember that it was made to explode.

SEC. 2. In loading holes, don't leave powder and primers together in the face.

SEC. 3. Bosses shall notify men when they are close to other workings so that men working therein will not be in danger from blasts.

SEC. 4. Miners shall count their shots and report any missed holes to the "capataz" who shall in turn report them to the "capataz" on the next shift.

SEC. 5. Working places, with missed holes, shall not be entered for at least forty-five (45) minutes from the time of spitting. When necessary to fire a missed hole, do not attempt to extract the charge, but insert a fresh primer to fire it.

SEC. 6. Caps or primers should not be stored with explosives.

SEC. 7. Powder and primers must be kept separate when being hoisted in stope.

SEC. 8. Any powder not used by the miner on his shift must be taken to the place prepared for the purpose. Leaving powder or primers in a working place will not be tolerated.

SEC. 9. It shall not be permitted to carry explosives on electric locomotives, or in a car next to an electric locomotive.

SEC. 10. Explosives shall not be placed near "live" electric wires.

SEC. 11. No fuse shall be used with a length shorter than three (3) feet.

SEC. 12. Miners must not carry powder or caps in their pockets or boots. Whenever less than one stick of powder is used, the stick must be cut with a knife, and not broken without cutting.

SEC. 13. When electric primers are used, all shorts must be fired from a blasting box, approved by the electrical department, or by the superintendent in charge.

SEC. 14. This blasting box shall be kept locked at all times, except at the time when the shots are fired, and the key to the blasting box shall be in the possession of the man in immediate charge of blasting.

RULE 7

STORAGE AND USE OF EXPLOSIVES

SECTION 1. No explosive shall be kept at any place within a mine where its accidental discharge would cut off the escape of miners working therein.

SEC. 2. Not more than one day's supply of explosives may be stored in an issuing magazine, from which supplies required for immediate use shall be distributed by an authorized and competent person or persons. Such issuing magazines, when underground, may consist of a separate drive or chamber, the walls of which shall be of fireproof material or of wood covered with sheet iron. The entrance to such underground magazine shall be kept securely locked, except when it has to be entered by the person or persons in charge thereof.

SEC. 3. No detonator shall be transported with other explosives except when being carried to the face for immediate use. When detonators, capped fuse or primers are carried to the face with the powder, the detonators, capped fuse or primers must be carried in one container and the powder in a separate container.

SEC. 4. All primers and capped fuses shall be exploded within forty-eight (48) hours after making. This does not include electric exploders.

SEC. 5. Blasting caps shall not be removed from original container except as they are used for capping fuses.

SEC. 6. When supplies of explosives or fuses are removed from a magazine, those that have been longest in the magazine shall be taken first.

SEC. 7. No package of explosives shall be opened with any metallic instrument.

SEC. 8. Oils or other combustible substances shall not be kept or stored nearer than within fifty (50) feet of an underground powder magazine.

SEC. 9. Only standard fuse shall be provided for use in the mines with a burning rate of not less than one (1) foot in thirty (30) seconds nor more than one (1) foot in fifty-five (55) seconds.

SEC. 10. Notice shall be posted at the entrance of every mine stating the rate of burning of the fuse used in such mine.

SEC. 11. The use of oil or greases to waterproof joints between cap and fuse is forbidden. Use a compound which will not injure the fuse.

SEC. 12. In capping fuses, at least one (1) inch shall be cut from the end of each coil of fuse to be used in blasting.

SEC. 13. Only a crimper shall be used for attaching fuse to blasting cap. The practice of crimping with knife or teeth is forbidden. The mine operator shall furnish and keep in accessible places, ready for use, broad jawed crimpers in good repair. Knife edge or narrow crimpers are prohibited.

SEC. 14. It is forbidden to use fuse that has been hampered or injured by falling rocks or from any other source. Such injury increases the rate of burning.

SEC. 15. Fuse shall not be stored underground for a longer period than seventy-two (72) hours unless the storage place is perfectly dry and the relative humidity of the air is less than eighty (80) per cent. The hanging of fuse on nails or other projections which causes a sharp bend to be formed in the fuse shall be prohibited.

SEC. 16. All powder shall be slit before loading begins unless a copper knife is used.

SEC. 17. At least one (1) cartridge or stick of powder (more is not objectionable) shall be tamped in the bottom of the hole before the primer cartridge is inserted except when single sticks are used.

SEC. 18. The cap shall be securely buried in and surrounded by the powder of the primer cartridge.

SEC. 19. When properly timed, all fuses shall extend two (2) feet or more in length outside or beyond the collar of the hole and shall never be less than three (3) feet in total length.

SEC. 20. A mucker, finding unexploded powder, shall immediately report it to the boss. A careful search shall then be made for the missed hole.

SEC. 21. Explosives must be stored in a fireproof and bullet-proof magazine. No caps or detonators shall be stored in powder magazine, but shall be stored in a separate magazine at least one hundred (100) feet away. All magazines shall be provided with ventilation in top and bottom which should be covered with screen to prevent sparks from entering.

RULE 8

TIMBERMAN

SECTION 1. Each timberman should take special note of working conditions around him, and if he observes any miner, shoveler, or trammer to be following an unsafe practice, the timberman should so inform him.

SEC. 2. When entering a stope the first thing to be done is to examine the floors and see that all have a safe bearing.

SEC. 3. Don't build flimsy, unsafe stagings. Make them strong.

SEC. 4. Guard rails should be installed in manways on landings to prevent anyone from falling into the timberslide.

SEC. 5. When hoisting timber, or material, stand back out of the way in case something comes back down the slide.

SEC. 6. Ladders must be kept in good repair and broken ladder rungs replaced as soon as possible.

SEC. 7. Guard rails must be provided for at all places where it might be possible for a man to fall into any opening.

SEC. 8. Don't work under loose ground. If in doubt, report to shift boss.

SEC. 9. Lag over each set as you put it in. The back of timber set should be lagged tight and side lagging used when necessary. Do not leave openings over the back lagging.

SEC. 10. Timbers must be watched and kept safe.

SEC. 11. Brace securely all timbers in the course of erection so that they can not fall.

SEC. 12. Handle your tools and endeavor to stand so that neither you nor your partners may be struck by missed or glancing blow.

SEC. 13. Men are warned against drawing down a chute to repair it without first notifying the men above and then the chute opening must be securely lagged over.

SEC. 14. Give ample warning when dropping timber through raises and through holes in stopes, and see that there is no one in danger below.

SEC. 15. No timberman or repairman or helper is allowed to stick an axe or any sharp tool of any kind up high on a timber. Place them in a post not more than one (1) foot from the floor.

SEC. 16. When lowering timbers through timberslides, all timbers must be securely fastened with timber chains or timber dogs. All timber dogs, chains and steel buckets must be fastened to the cable with a clevis and in no other way.

SEC. 17. When repairing in drifts where trains are running, there shall be no trucks or timber left on tracks. Repairmen must see that tracks are clear when train is coming. If not clear, train must be flagged in plenty of time and distance for it to stop.

SEC. 18. In passing tools from one floor to the floor above, the end opposite the handle should be passed up first.

SEC. 19. All ladders shall project at least two (2) feet above every platform of the ladderway unless convenient and efficient hand-holds are provided.

SEC. 20. Where possible, ladders shall be installed at an angle not greater than seventy (70) degrees; shall have substantial landing platforms every thirty (30) feet and shall be staggered so that no section of the latter is directly in line with the next adjacent section.

SEC. 21. All ladders must be constructed with rungs placed at equal intervals not greater than fourteen (14) inches.

SEC. 22. In no case shall ladders be placed in such a position that the rungs will become blinded.

RULE 9

SHAFTS

SECTION 1. It shall be the duty of the superintendent of every mine to see that all shafts and shaft equipment under his care are inspected weekly by competent inspectors. In such inspections the hoisting cable shall be examined in detail; the signal systems shall be tested; all safety devices shall be tested in operation; shaft guides and sheaves shall be examined and all mechanical equipment checked. At the same time the timber shall be cleared of any loose rocks. A regular written report shall be made weekly of all findings which shall be kept on file.

SEC. 2. A record shall be kept of all hoisting ropes. No hoisting rope shall be used after the number of breaks in any running foot exceeds 10 per cent of the total number of wires in the rope.

SEC. 3. If any material or tool falls down a shaft, it shall be reported immediately and the shaft shall be inspected before regular work is resumed.

SEC. 4. No stoping shall be done closer than forty (40) feet from any active shaft except upon written permission from the Secretary of Labor.

SEC. 5. At the top of all shafts and at every shaft station, a gate, guard rail or other protection shall be installed and maintained.

SEC. 6. All shafts over one hundred (100) feet deep shall have a manway compartment in which a fixed ladder with landing stations not over thirty (30) feet apart shall be installed and maintained.

SEC. 7. Each drum on shaft hoists shall be equipped with brakes capable of stopping and holding a fully loaded skip or cage at any point. Where possible, a secondary or emergency brake shall be installed.

SEC. 8. The drum flange of all hoists shall extend at least two (2) inches beyond the coiled rope when all the rope is coiled on the drum.

SEC. 9. Shaft hoists shall have ample power at all times to hoist a fully loaded unbalanced cage or skip from the bottom of the shaft.

SEC. 10. The hoist engineer must pass a physical examination by a licensed physician before being entrusted with the hoisting of men. He must be in possession of a valid medical certificate issued within a period of ninety (90) days stating that he is physically normal in heart, sight, lungs, and hearing, and that he has no physical deformities which would render him an unsafe person to be entrusted with hoisting men. He should be re-examined by a competent physician every six (6) months.

SEC. 11. Hoisting engineers shall faithfully observe the following rules:

(a) It shall be the duty of every hoisting engineer to keep a careful watch over his engine and over all machinery under his charge.

(b) He shall, at all times, be in immediate charge of his engine, and shall not, at any time during the shift, delegate any of his duties to any other person except to learners under his supervision and designated for the purpose by the company's official.

(c) He shall familiarize himself with all signal codes and their use for hoisting and lowering, as directed.

(d) He shall not run his engine unless the same is properly provided with efficient brakes, indicators, and distance marks on hoisting ropes or cables, as provided in these rules.

(e) It shall be the duty of the hoisting engineer to exclude every person from his engine room excepting those whose duties require their presence therein, and authorized visitors.

(f) He shall hold no conversation with any one while his engine is in motion, or while attending to signals.

(g) He shall run his engine with extreme caution whenever men are being hoisted or lowered.

(h) He shall not hoist men out of, or lower men into, any mine or shaft at a speed greater than the rate posted in the engine room.

(i) He shall inspect daily all hoisting machinery and safety appliances connected therewith and shall report any defects found.

(j) After any stoppage of hoisting for repairs or for any other purposes, exceeding in duration twenty-four (24) hours, he shall run a bucket, skip, cage, or other conveyance, on which no men shall ride, except for purposes of inspection, up and down the working part of the shaft at least once, and shall not permit the bucket, skip,

cage or other conveyance to be used for hoisting or lowering men, until the hoisting machinery and shaft shall have been found to be in safe condition.

(k) He shall not land the bucket, skip, cage or other conveyance at the collar of the shaft, or at a level, but must land the said conveyance at least ten (10) feet above the collar of the shaft, or above a level before leaving his post.

(l) He shall familiarize himself with, and carry out, the requirements of all safety rules pertaining to the discharge of his duties.

(m) Whenever men are working in a place to which they have been lowered by mechanical power, an engineer or a substitute must remain within hearing of the telephone and signal gongs while the men remain in their working places.

(n) Hoisting engineers shall not permit the oilers to oil the engine while in motion and shall exercise every care for the oilers' safety.

(o) Maximum rates of speed shall be fixed by the superintendent for hoisting and lowering in each shaft, both for men and materials. A schedule of these rates shall be posted near the hoist and these rates shall not be exceeded.

(p) In no case shall a cage, skip, bucket or other vehicle be lowered directly to the bottom of the shaft when men are working there, but such cage, skip, bucket, or other vehicle shall be stopped at least fifteen (15) feet above the bottom of such shaft, until the signal to lower further shall have been given to the hoisting engineer, by one of the men in the bottom of the shaft.

SEC. 12. A copy of these rules shall be posted in a conspicuous place in the engine room.

SEC. 13. Solitary employment in shaft inspection and retimbering is forbidden.

SEC. 14. Hand-operated windlasses shall be provided with a reliable device to prevent running back of the bucket or other conveyance.

SEC. 15. Air hoists used for hoisting in raises shall be so placed that neither the machine nor the operator is exposed to material falling down the raise.

SEC. 16. In every mine operated on two or more levels in which twenty-five (25) or more men are hoisted or lowered by cage or other conveyance other than a bucket, such cage or other conveyance shall be operated under the charge of a person appointed as conductor, and no person other than this conductor shall give any signal for the movement of the cage, skip or conveyance when lowering the shift into the mine or hoisting the shift out of the mine. The aforesaid conductor shall have all necessary authority to prevent crowding or scuffling of men in the vicinity of the shaft.

SEC. 17. The maximum number of men that may safely ride on each cage, skip, bucket, or other conveyance used in the mine shall be determined, and there shall be posted in a conspicuous place near each shaft, a notice stating the maximum number of persons so permitted to ride, and forbidding the carrying of any greater number. At the beginning of each shift, some responsible persons shall be stationed on the loading platform at the top of the shaft and shall prevent any greater number of men than that permitted to enter upon or into any cage, skip, bucket, or other conveyance. At the end of the shift, the man in charge on each level from which men are to be hoisted, shall post himself in the station of the shaft at that level and shall prevent any greater number of men than the maximum permitted to enter upon or into any cage, skip, bucket, or other conveyance, provided that, when a conductor is employed as

required by section 16 of these rules, the man in charge of each level does not need to remain until all men are hoisted.

SEC. 18. No open hook shall be used with a bucket, cage or skip in hoisting, but some form of safety hook or shackle must be used.

SEC. 19. The sheave carrying the hoisting rope shall be placed upon a headframe so designed as to resist a pull in the direction of the hoisting engine greater than the breaking stress of the hoisting rope employed.

SEC. 20. The operator of every mine, having a shaft over five hundred (500) feet deep through which men are hoisted daily, shall install a device which shall give a warning signal in the engine room whenever the cage or skip, in ascending, reaches a point one hundred (100) feet below the collar of the shaft. The warning signal required by the terms of this rule does not need to be installed if the hoisting engine be equipped with a device that will automatically stop the engine if the cage, skip or men car passes a certain point; and provided, further, that such automatic stopping device be kept constantly in good working order.

SEC. 21. No operator of any mine should use any rope or cable for hoisting or lowering men when such hoisting or lowering is done by any means other than human or animal power, unless such rope or cable shall be composed of metal wires, with a factor of safety determined as hereinafter set forth; provided, however, that such metal wires be laid around a hemp center.

SEC. 22. The factor of safety of a new cable shall be calculated by dividing the breaking strength of the rope as rated by the manufacturers, by the sum of the maximum load to be hoisted, plus the total weight of the rope in the shaft when fully let out, or in accordance with tests on a sample made by the United States Bureau of Standards by the maximum rope pull. Hoisting rope factors of safety for various depths of shafts shall conform with the table as given below:

| | Minimum factor of safety for new rope | Minimum factor of safety when rope must be discarded |
|--------------------------|---|---|
| 500 feet or less..... | 8 | 6.4 |
| 500 to 1,000 feet..... | 7 | 5.8 |
| 1,000 to 2,000 feet..... | 6 | 5.0 |
| 2,000 to 3,000 feet..... | 5 | 4.3 |
| 3,000 feet and more..... | 4 | 3.6 |

SEC. 23. No head or angle sheave of a diameter less than sixty (60) times the diameter of the rope shall be used for hoisting or lowering men when the included angle made by such rope at the sheave is ninety (90) degrees or less.

SEC. 24. Every rope used for hoisting or lowering men shall be securely fastened at both ends, and when in use, shall never be fully unwound. At least two (2) full turns shall remain always on the drum or reel. The end of the rope attached to the conveyance in the shaft shall be securely fastened around an oval thimble, and then fastened by the use of five (5) or more clamps put on with the "U" on the dead end of the rope.

SEC. 25. Spliced hoisting cables are not allowed in mines.

SEC. 26. Hoisting or lowering of men through a vertical shaft fifty (50) feet or deeper shall not be permitted unless an iron-bonneted safety cage, skip or bucket be used for the hoisting and lower-

ing of such men. This shall not apply to shafts in process of sinking.

SEC. 27. It is forbidden to place boards across the tops of the skips in inclined and vertical shafts and permit men to ride thereon. If boards or platforms are used, they shall hang inside the skip.

SEC. 28. It is also forbidden to permit men to stand on the edges of the tops of such skips for the purpose of being hoisted or lowered.

SEC. 29. The conductor, cage tender, or cage rider shall, when men are being hoisted and lowered, see that the gates of the cage are closed before giving the signal to move the cage and shall be responsible for their closing.

SEC. 30. No person, except the man in charge of the powder, shall be permitted to ride upon or below any cage, car, skip or bucket that is loaded with powder.

SEC. 31. In all shafts where cages or skips are being used, an emergency cable sling or chain shall be used from the cable to the cage or skip so that in the event of the breaking of the clevis pin, the cable sling will prevent the cage or skip from falling.

SEC. 32. The safety catches of cages and skips in vertical shafts shall be kept well oiled and in good working order; they shall be tested at least once every two (2) weeks by tying up the cage or skip with hemp rope, lowering a few feet of hoisting cable on top of cage, and then cutting the hemp rope. Other systems of testing, which are equally effective, may be used. Sheave wheels shall be daily inspected and properly oiled.

SEC. 33. During shaft-sinking operations in shafts steeper than thirty (30) degrees from the horizontal, no other work in any other place in the shaft shall be executed, nor shall any material or tools be hoisted or lowered from or to any other place in the shaft while men are at work in the bottom of the shaft, unless the men so at work be protected from the danger of falling material by a securely constructed covering, sufficient closable openings being left for the passage of men and the bucket or other conveyance used in the sinking operations.

SEC. 34. Every shaft, fifty (50) feet or more in depth, shall be provided with an efficient means of interchanging distinct and definite bell signals between the top of the shaft and the lowest level and the various intermediate levels from which hoisting is being done. Where the Department of Labor considers it necessary for safety, additional signals by flashlight or other means shall be required. Special care shall be taken to keep the signaling apparatus in good order, and all proper precautions shall be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not.

SEC. 35. RULES GOVERNING SIGNALS:

(a) Where it is necessary to use signals by means of bell or otherwise for hoisting or lowering, it shall be necessary to use, and put into force, the following system or code of mine bell signals from the mine to the hoist engineer:

- | | |
|------------------|---------------------------------------|
| 1 bell | To hoist |
| 1 bell | To stop if in motion |
| 4 bells | To release skip |
| 2 bells | To lower |
| 3 bells | Man on; run slowly. Men to be hoisted |
| 3-2-1 bells..... | Ready to shoot in the shaft |
| 7 bells | Accident |

(b) In giving ordinary signals, make strokes on a bell at regular intervals. In signal, "Ready to shoot" (3-2-1), each pause (-) should take the same time as each stroke of the bell.

(c) Engineer should not move cage, skip or bucket after receiving any signal beginning with three (3) bells, for at least five (5) seconds.

(d) When men are to be hoisted, or lowered, give signal for "Men on; run slowly" (3 bells). Men must then get on cage or bucket, then give the signal to hoist or lower (1 or 2 bells).

(e) After signal, "Ready to shoot" (3-2-1 bells), engineer must give signal that he is ready to hoist by raising and lowering bucket or cage two (2) feet. Miners must then give signal "Men on" (3 bells), then spit the fuse, get on bucket or cage and give signal to hoist.

(f) Signals beginning with three (3) bells means "Caution," and nothing in conflict therewith will be allowed. Signals to meet local demands and not in conflict with the above may be added by local operators, but the same must be posted in clear and legible form in connection with the above code.

(g) *Mine bell signals from hoist engineers to mine:*

| | |
|-------------------|-----------------------------|
| 3 bells | Men can get on cage or skip |
| 4 bells | Send up empty cage or skip |
| 2-1-2 bells | Repeat signal. |

SEC. 36. Safe rates of speed for the cages, skips, buckets, or other conveyances shall be fixed for each shaft and shall not be exceeded in the hoisting or lowering of men, and a notice of such limitation shall be posted in a conspicuous place near each hoisting engine, and in no case shall exceed a speed of eight hundred (800) feet per minute.

SEC. 37. If timber, tools, the foreman, bucket or cage are wanted to stop at any level in the mine, signal by number of strokes on the bell, giving the number of level first before the signal for timber, tools, etc.

SEC. 38. No person must get on or off the bucket, skip or cage, while the same is in motion. When men are to be hoisted, give the signal for "Man On." Men must then get on bucket, skip or cage, then give the signal to hoist. Signaling device must be within reach of man on bucket, skip or cage at stations.

SEC. 39. All timbers, tools, etc., not rigidly held, longer than the depth of the bucket, skip, cage or other conveyance, to be hoisted, or lowered, must be securely lashed at the upper end to the cable. Employees must know they will ride up or down the shaft without catching on rocks or timbers.

SEC. 40. One printed sheet of these signals and rules for each level, and one for the engine room, shall be attached to a board not less than twelve (12) inches wide by thirty-six (36) inches long, and securely fastened where it can be easily read at the places above stated.

SEC. 41. In addition to posting the full signal code, there shall be placed at each station a signboard on which shall be displayed the designation of the station and the corresponding bell signal.

RULE 10

PROTECTION AGAINST WATER

SECTION 1. No mine working shall be allowed to approach nearer than ten (10) feet to any part of a winze, stope, or other opening in which there is a known or suspected dangerous accumulation of water.

SEC. 2. When advancing a mine working toward another mine working that is suspected to be filled with water, a borehole shall be kept at least fifteen (15) feet in advance of the face of the drive when in the vicinity of such mine working filled with water, and also, if necessary, in directions laterally from the course of the drive. The working place shall not exceed six (6) feet in width, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of water.

SEC. 3. No restraining dam shall be installed in any mine where the rupture of such dam would imperil the safety of men in said mine or other mine.

RULE 11

GENERAL VENTILATION

SECTION 1. The employer shall provide for and maintain in all underground workings an adequate supply of fresh air containing not less than 19½ per cent oxygen nor more than 1¼ per cent carbon dioxide. When natural ventilation does not provide fresh air at a rate of fifty (50) cubic feet per minute per man employed underground at the time, ventilating fans of sufficient capacity to provide such minimum amount of fresh air shall be installed. Where toxic gases of any nature are found in mine workings, the Advisory Safety Council of the Department of Labor shall immediately be notified and operations shall thereafter be conducted under the special rules and regulations for "gassy" mines as promulgated from time to time by the Secretary of Labor.

SEC. 2. Emergency fire doors or bulkheads shall be placed throughout each mine to prevent smoke and gasses from any fire cutting off the escape of men working in the mine. Such doors may also be used for the control of normal mine ventilation.

SEC. 3. The bulkheads, door frames and fire doors shall be constructed of gas-tight material.

SEC. 4. The fire doors shall be provided with suitable latches or other suitable devices so that they may be opened from either side, but can not be opened by the reversal of the air current.

SEC. 5. Mechanically produced and positively controlled air current shall be provided for each mine more than one thousand (1,000) feet in depth (measured along the line of the shaft) unless it be proved that mechanically produced air current would not be feasible, effective or necessary.

SEC. 6. When fans are used, the principal fan or fans should be installed on the surface and air ducts so arranged that mine entrances can be used for rescue or other purposes. Such fan or fans should be so installed that the ventilating current can be quickly

reversed in direction, but the fan should never be reversed in case of emergency except on order of the company's official in direct charge of the mine. All surface fans, casings and air ducts connecting with the mine openings and also the fan houses and other buildings in close proximity, should be made of noncombustible material throughout, or, if of combustible material, should be fireproofed. All underground fans operated by electric motors should be of noncombustible construction, and the immediate vicinity should be fireproofed if combustible material be present. No surface fan house should hereafter be erected nearer than fifty (50) feet of any flammable structure.

SEC. 7. Except in cases of emergency, men shall not be permitted to work in a place where the oxygen content of the air is less than $19\frac{1}{2}$ per cent or where carbon dioxide (CO_2) is more than $1\frac{1}{4}$ per cent.

SEC. 8. Any mine or portion of a mine shall be considered dangerous when inflammable gas can be detected with a flame safety lamp, and special precaution shall be taken to provide sufficient ventilation to correct and to prevent such conditions.

RULE 12

FIRE PREVENTION

SECTION 1. Fires for heating shall not be permitted underground, and open torches, acetylene lamps and candles shall not be left unattended in any mine in the vicinity of wood or other flammable material. (This shall not be construed to prohibit the use of torches or heating devices necessary for mechanical repairs, provided such devices have continual attendance while lighted.)

SEC. 2. Each mine in which the main working shaft or adit is timbered, and the timber is not protected against fire by fireproofing or by being constantly wet, or in which mine stations are in a flammable condition, or wherein the workings are considered to constitute a local fire hazard or more than nominal proportions, should be equipped with the following fire-fighting apparatus which should be maintained in good order, available for instant use:

(a) A supply of water for fire lighting so distributed that a stream of water can be had at any mine station at which a fire hazard exists and throughout timbered and nonfireproofed portions of the shaft, with necessary connections for the attachment of hose, and an adequate supply of hose so arranged that it can readily be put in a skip, cage, or other conveyance. The hose shall be kept at the mine entrance and on each working level, and at such other places as may be necessary. All water main outlets, hose couplings and nozzles should be of standardized size throughout the mine.

(b) All electrical equipment underground such as motors, transformers, etc., should be provided with a supply of dry sand, supplemented by one or more fire extinguishers. Where carbon tetrachloride extinguishers are provided for, care must be taken that they are not used where the ventilation is deficient.

(c) All mine openings where flammable structures exist should be provided with a system of fire hydrants with sufficient hose or monitors properly placed and connected with the main water supply system.

(d) All equipment intended solely for fire-fighting purposes shall be tested or carefully inspected at monthly intervals, and defective chemical fire extinguishers of the soda-acid type shall be refilled every six (6) months and the date of last refilling marked on a tag attached to the extinguisher.

SEC. 3. Each mine shall maintain a second exit to the surface which shall be not less than one hundred (100) meters from the main entrance. Underground employees shall be protected against the hazard of all exits becoming impassable through fire or fire gases by one or more of the following methods:

(a) By fireproofing the main shaft and shaft stations, provided that where there is no fire hazard sufficient to interrupt the use of the main shaft hoist for rescue purposes, such conditions shall be sufficient compliance.

(b) By maintaining a connection between working levels of such mine and an adjoining operating mine.

(c) By such mechanical control of the air currents as will permit the supplying of good air through any shaft or escapeway by reversal of air currents, if necessary.

(d) By the installation of fire, smoke and gasproof doors.

SEC. 4. These emergency exits should be maintained in good condition, free and open for the passage of men, and shall be provided with adequate sign indicating the direction of travel.

SEC. 5. A surface fire alarm, consisting of a siren or equivalent device, shall be installed and used for the purpose of giving a general fire alarm at the surface when fires are reported in the surface plant or underground. As a means of informing underground workers of fire, mines that are equipped with a compressed air system shall install an approved method of stench warning, and, in addition, shall establish a general danger signal by flashes or distinct interruptions of the electric lighting current, or by telephones if such are installed or required.

SEC. 6. No structure made of inflammable material shall be constructed closer than thirty (30) feet from any mine opening within a period of six (6) months from any date of promulgation of these rules. In cases where such structures already exist, a self-closing fireproof and gasproof doors shall be provided at the mine opening.

RULE 13

DUST—FUMES AND ACIDS

SECTION 1. In the mining area or mined products, the employee shall be adequately protected from injurious fumes, acids and dust. In mines where siliceous or other harmful dusts are formed, drilling machines of the water injection type shall be provided as soon as possible, and sprays shall be used to wet down the dust. Hereafter, all new drilling machines put into use underground shall be of the water injection type, and water shall be used with them.

RULE 14

SAFETY RULES AND REGULATIONS FOR SMALL COAL MINES

SECTION 1. This Rule shall be considered applicable to:

(a) Any person, association, or corporation who holds or shall hereafter be granted a limited license or permit to prospect and mine for coal in the Philippine Islands, as provided in section 10 of Act No. 2719; and

(b) Any person, association, or corporation who leases or who hereafter shall lease coal lands in the Philippine Islands, as provided in section 2 of Act No. 2719, and who regularly employs not more than thirty (30) men underground at any one time.

SEC. 2. The entry or tunnel which is the principal means for the passage of men into and out of the mine:

(a) Shall be kept open and safe for the passage of men at all times from the innermost workings to the outside;

(b) Shall be driven and maintained not more than two (2) meters wide between solid walls at any point, unless a necessary and vital reason exists for doing otherwise, other than extraction of the coal in the pillars forming the sides of the entry;

(c) Shall be maintained at least one hundred and fifty (150) centimeters high under timbers;

(d) Shall be kept adequately timbered to prevent rock falls. All loose and dangerous material overhead must be promptly taken down in the manner approved by good mining practice; and

(e) Shall have pillars maintained on each side adequate to support the strata and at least six (6) meters thick on each side for the full length of the tunnel or entry in cases where the entry is driven along the coal seam. These pillars shall not be pierced except as required for the passage of men or for ventilation, and at intervals of not less than fifteen (15) meters, and with a passageway of not more than two (2) meters wide at each place. These pillars shall not, in any case, be lessened or extracted until such time as the mine is to be abandoned, and then, only after application therefor has been made to the Bureau of Mines and approval obtained from that office.

SEC. 3. Where workings extend more than thirty (30) meters underground from the outside, a second means of ingress and egress of the same size and with the same protection as that already referred to in section 2 of this Rule must be provided for and maintained. When entrance to the mine is by means of shaft or slope, this section must be interpreted to mean when workings have been driven thirty (30) meters from the point where such shaft or slope meets the coal bed. This second entrance must be separated from and independent of the first entrance, except for such connections as are necessary for passageways and to maintain ventilation at the working faces. In no case shall workings be more than twenty (20) meters beyond a point where such ventilation can be maintained.

SEC. 4. When bad air, inflammable or noxious gas, or a mine fire is encountered, all work underground shall cease and all men shall be immediately withdrawn from the mine except such workmen as may be necessary to combat and correct the condition. The Bureau of Mines shall be immediately notified by telegram and mail, and will then undertake to render such advice and technical aid as may be needed.

SEC. 5. Every precaution must be taken to prevent the ignition of the coal whether in place or mined.

SEC. 6. No person less than sixteen (16) years of age shall be permitted underground.

SEC. 7. Licensees of lessees, as the case may be, will be held responsible for the execution and continued observance of these Rules and Regulations. Failure to do so shall be considered sufficient cause for revocation of the license, permit or lease.

BUREAU OF CUSTOMS

AFFIXTURE AND CANCELLATION OF CUSTOMS
DOCUMENTARY STAMPS

CUSTOMS ADMINISTRATIVE ORDER No. 382

PARAGRAPH I. The customs documentary stamps now sold in all customs offices in the Philippines are perforated in the middle of each stamp, with the serial number of the stamp completely printed on both sides of the perforation mentioned. Only a few stamps of the old ₱200 denomination having no perforation in the middle and no left and right segments, each bearing the serial number of the stamp, still remain unsold. Heretofore the stamps representing payment of the fees prescribed by Section 1200 of the Administrative Code; by subparagraphs a, b, f, g, h, i, and BB of Section 1414 of the same Code; and by the regulations promulgated under the provisions of Section 1415 thereof (*See Customs Administrative Order No. 217, dated September 3, 1920, and paragraph 12, Customs Marine Circular No. 53, as amended by Customs Administrative Order No. 243, dated August 12, 1929*) had been affixed in their entirety to the certificates, documents, and licenses issued to the public. Hereafter such stamps shall be cut along the perforated line in the middle of each stamp and only the RIGHT SEGMENTS thereof shall be affixed to the certificates, licenses, and documents issued to the interested parties. If the stamps to be used are of the old ₱200 denomination herein referred to, such stamps shall be affixed in their entirety to the certificates, licenses, and documents issued.

PAR. II. The LEFT SEGMENTS of the stamps referred to in the preceding paragraph shall be affixed to the stubs of the forms issued, or, if such forms are not provided with stubs, to the pertinent records kept in the office concerned. Such stamp segments shall be affixed in each case as follows:

(a) *Admeasurement certificates issued for vessels admeasured.*—To the corresponding stubs of B. C. Form No. 247 if the certificates are made out on this Form; or to the corresponding admeasurement records on B. C. Form No. 243 (book record) if the certificates are made out on the loose sheets bearing the same B. C. Form number (No. 243.);

(b) *Certificates issued to masters, mates, patrons, and engineers under the provisions of Section 1194 of the Administrative Code.*—To the corresponding stubs of the certificates on B. C. Forms Nos. 273, 274, 275, 277, 278, 280, 281, 286, and 288;

(c) *Certificates of change of names of vessels.*—To the corresponding stubs of B. C. Form No. 157. The left segments of the stamps representing fees for recording each of these certificates in the Record of Transfer and Incumbrances of Vessels shall be affixed to the page whereon the certificate is copied in the said record. The left segments of the stamps representing fees for the Collector's certificate of the registration of said document shall also be affixed to the same page of the Record of Transfer and Incumbrances of Vessels;

(d) *Certificate of change of home port of vessel.*—As the form used for this certificate is only a mimeographed form having no stub (Form No. M-858), the left segments of the stamps representing fees for the issuance of the certificate, fees for registration of such certificate in the Record of Transfer and Incumbrances of Vessels, and fees for the Collector's certificate of such registration shall all be affixed to the page of the Record of Transfer and Incumbrances of Vessels whereon the certificate of change of home port is copied;

(e) *Certificates of inspection of vessels.*—To the corresponding certificates accomplished in the book form of B. C. Forms Nos. 92, 267, and 271;

(f) *Certificates of Philippine register and certificates of ownership issued for vessels under the provisions of section 1172 and section 1173, respectively, of the Administrative Code.*—To the corresponding stubs of B. C. Form No. 87 or B. C. Form No. 84 as the case may be;

(g) *Certificates of transfer of license from one class to another.*—To the corresponding stubs of the certificates on B. C. Form No. 117;

(h) *Destruction certificates of perishable merchandise (issued by the office of the Surveyor of the Port, Manila).*—To that copy of each certificate which is retained by the officer or employee in charge;

(i) *Licenses issued to vessels under the provisions of Sections 1207 (coastwise license) and 1217 (bay and river license), respectively.*—To the corresponding stubs of the licenses on B. C. Forms Nos. 80 and 222;

(j) *Master carpenter certificates, bills of sale, certificates of inheritance, powers of attorney, mortgage contracts, and other documents affecting title to vessels.*—The left segments of the stamps representing recording fees and the charges for the issuance of the Collector's certificate of such registration shall all be affixed to the page of the Record of Transfer and Incumbrances of Vessels whereon each document is copied;

(k) *Muffler certificates on Form No. M-462 (Form M-462-a for subports).*—To that copy of each certificate which is retained by the issuing office;

(l) *Special permits to operate steam or motor vessels under Act 3555 and Act 4015, respectively.*—To that copy of each permit which is retained by the issuing office;

(m) *Special permits on Form M-269 granted vessels to operate pending issuance of their certificates of inspection.*—To that copy of each permit which is retained by the issuing office; and

(n) *Other certificates, documents, and records not covered herein.*—To the stub of the form used if there is such a stub, to the copy of the certificate or document retained by the issuing office if no stub is provided, or to the page of the Record of Transfer and Incumbrances of Vessels whereon the document is copied if such document is recorded therein.

PAR. III. Whenever stamps of the old ₱200 denomination referred to in paragraph I hereof are used, their serial

numbers shall be recorded in ink on the stub of the form used, or on the copy of the pertinent certificate or document retained by the issuing office if the form used has no stub.

PAR. IV. In all cases where the documents, certificates and permits covered herein require the affixture of internal revenue documentary stamps, such stamps shall not be cut, but shall be affixed in their entirety to the documents, certificates, or permits issued to the interested parties. However, the fact that the required internal revenue documentary stamp fees have been paid shall be noted in the office record where the left segments of the customs documentary stamps are affixed by writing thereon the words: "P....." internal revenue documentary stamps affixed to..... (the amount of the stamps and the name of the documents whereto they are affixed to be inserted in the blanks).

PAR. V. It will be noted that this order calls principally for affixture of the right segments of the customs documentary stamps to the licenses, certificates, and documents issued to the public and the left segments of such stamps to the stubs of the forms used, to the office copies of the documents issued where such documents do not have stubs, or to the office record of the documents in certain cases. In no case shall this arrangement be reversed by affixing the left segments of the stamps to the licenses, certificates, and documents issued to the public, retaining the right segments in the office files.

PAR. VI. The stamps affixed as provided in Paragraphs I, II, and IV hereof shall be cancelled by writing, stamping, or perforating the date of cancellation across the face of the stamp in such manner that part of the writing, impression, or perforation shall be on the stamp itself and part on the paper to which it is attached. In addition to writing or stamping the date of cancellation across the face of the stamp as indicated above, a hole sufficiently large to be visible to the naked eye should be punched, cut, or perforated on the stamp and the document either by the use of a hand punch, scissors, a knife or a perforating machine. The hole does not have to be round especially if a knife or a pair of scissors is used, in which case the resulting hole may be in the form of a diamond. If a machine which perforates the word "cancelled" is used, no other hole need be made on the stamp. If a similar machine perforates the date instead of the word "cancelled", the writing or stamping of the date of cancellation and the punching or cutting of a hole in each stamp need not be made. If two or more documentary stamps are affixed to a document, each stamp must be cancelled. At the port of Manila, the certificates, documents, and licenses bearing the right seg-

ments of the stamps as well as the internal revenue documentary stamps, when necessary, shall, prior to the cancellation of the stamps by the employee in charge, first be coursed as usual through the office of the auditor, Bureau of Customs, for examination of the stamps by said office. No manner of cancelling documentary stamps other than that provided for in this paragraph will be considered sufficient, and noncompliance with the provisions of this paragraph would subject the offender to prosecution under Section 2713 of the Administrative Code. Both the persons issuing and those accepting any document to which the law requires that documentary stamps be affixed are liable for failure to affix and cancel such stamps.

PAR. VII. To insure the attainment of the objective of this order, Collectors of Customs at subports and the division chiefs concerned in the Manila Customhouse shall assign a competent officer or employee of their respective offices to make periodic verification of the segments of the stamps retained in the office files in accordance herewith to determine the adequacy of the fees collected and to guard against the subsequent use of cancelled stamps.

PAR. VIII. This order shall become effective fifteen (15) days after its approval by the Honorable, the Secretary of Finance.

PAR. IX. Philippine customs officials shall give due publicity to the terms of this order.

ALFREDO DE LEON

Insular Collector of Customs

Approved, September 16, 1940.

MANUEL ROXAS

Secretary of Finance

GENERAL LAND REGISTRATION OFFICE

MANILA, July 14, 1941

Subject: DOCUMENTS DEALING WITH REAL PROPERTY IN WHICH A FOREIGNER IS A PARTY

To all Registers of Deeds:

In view of the existing conditions now prevailing in the Philippines and in the United States and of the policy of the latter government to prohibit transactions pertaining to countries of continental Europe (except Russia) and nationals thereof, it is hereby directed, as a precautionary measure, that all documents presented for registration dealing with real property of any class, to which a foreigner is a party, either as a vendor or vendee, mortgagor or mortgagee, lessor or lessee or in whatever capacity, be for-

warded, through the General Land Registration Office, to the Secretary of Justice, after said documents have been entered in the primary entry book and the corresponding fees collected. The registration of said documents should be held in abeyance until after final determination by the Secretary of Justice as to the appropriate action to be taken thereon by the register of deeds.

As to transfer of private agricultural lands to foreigners attention is invited to Circular No. 196 of the General Land Registration Office, dated May 6, 1931.

ENRIQUE ALTAVAS

Chief of the General Land Registration Office

Approved:

JOSE ABAD SANTOS

Secretary of Justice

CITY OF MANILA

NOTICE OF PROPOSED ORDINANCES OF THE CITY OF MANILA

Notice is hereby given that the Municipal Board is to discuss and to enact the following proposed ordinances:

[ORDINANCE No.]

AN ORDINANCE AMENDING SECTION NINETEEN OF ORDINANCE NUMBERED TWO THOUSAND FOUR HUNDRED ELEVEN, KNOWN AS THE PLUMBING CODE, REFERRING TO PERMITS.

Be it ordained by the Municipal Board of the City of Manila, that:

SECTION 1. Section nineteen of Ordinance Numbered Two thousand four hundred eleven, known as the Plumbing Code, is hereby amended to read as follows:

"SEC. 19. *Permits.*—Before commencing any work of plumbing or house drainage, including removal or transfer of any existing fixture, as well as addition of any fixture or extension or alteration of the plumbing system, an application shall be submitted to the proper authorities, on a form furnished by them, signed by both a master plumber and the owner or agent of the premises. The application shall clearly state the exact location of the premises where the work is to be done, giving the names of the streets and house numbers, the nature of the work, the kind of

fixture, as well as the number of fixture units to be installed, the number of existing fixture units, if any; also whether connection is to be made or has been made with the sanitary sewer as well as with the water-supply system. The application shall also contain a sketch, when so required, drawn to a convenient scale, on which shall be shown a plan of the plumbing system, including a general plan of those parts of the building or buildings where the work is to be done. *Application for plumbing installation in an illegal building may be approved provided that said installation complies with the requirements provided in the plumbing code and provided further that the room where the fixtures are located shall have the required height specified in section 270 of the Revised Ordinances, City of Manila. All illegal plumbings in buildings illegally constructed, made prior to the approval of this amendment may be legalized provided that they also comply with the foregoing requirements of the Plumbing Code.* No works shall be performed until such application shall have been approved and a permit to proceed with the work shall have been issued to the master plumber who signed the application. Not more than one plumbing permit for the same premises shall be pending at any one time."

SEC. 2. This Ordinance shall take effect on its approval.

Enacted,

Approved,

By order of the Board:

ALFONSO VEDUA
Secretary

[ORDINANCE No.]

AN ORDINANCE GIVING THE NAME OF "MAYOR EULOGIO RODRIGUEZ VOCATIONAL SCHOOL" TO THE PROPOSED VOCATIONAL HIGH SCHOOL TO BE ESTABLISHED IN NAGTAHAN, SAMPALOC.

Be it ordained by the Municipal Board of the City of Manila, that:

SECTION 1. The name of "Mayor Eulogio Rodriguez Vocational School" is hereby given to the proposed Vocational High School to be established in Nagtahan, Sampaloc.

SEC. 2. This Ordinance shall take effect on its approval.

Enacted,

Approved,

By order of the Board:

ALFONSO VEDUA
Secretary

DECISIONS OF THE SUPREME COURT

[Nos. 47646 and 47657. June 10, 1941]

FRANCISCO BALTAZAR in his capacity as judicial receiver of Mabalacat Sugar Central, ET AL., petitioners, vs. ANDRES LAYUG ET AL., respondents.

LESSEE AND TENANTS; RIGHT OF TENANTS TO ONE-HALF OF SUGAR-CANE CROP; ILLEGALITY OF MORTGAGE THEREOF BY LESSEE.—In view of the fact set out in the decision, the receiver has absolutely no right to one-half of the sugar-cane crop which pertains to the respondents. S. cannot lawfully mortgage such half and the receiver cannot as lawfully levy on them in satisfaction of S's indebtedness alone.

ORIGINAL ACTION in the Supreme Court. Certiorari.

The facts are stated in the opinion of the court.

Duran, Lim & Bausa for petitioners.

Jose P. Fausto for respondents.

MORAN, J.:

On February 9, 1932, one Francisco Baltazar, in his capacity as receiver of the Mabalacat Sugar Central, then in receivership as a result of the foreclosure proceeding instituted against it by Cu Unjieng and sons, brought an action in the Court of First Instance of Pampanga against Geo. C. Sellner for the foreclosure of a chattel mortgage on the standing sugar-cane crop in the "Hacienda Concepción", corresponding to the agricultural year 1931-1932. A writ of replevin having been issued, the sugar-cane was seized, milled at the Mabalacat Sugar Central and thereafter sold, and the proceeds thereof applied by the receiver in partial payment of the mortgage indebtedness of Geo. C. Sellner. On July 6, 1932, respondents herein, as tenants of the "Hacienda Concepción," asked leave to intervene and petitioned for the liquidation of their shares and for an order to the receiver to pay them said shares. The trial court, having authorized the intervention and liquidation prayed for, appointed a commissioner to receive evidence on the respective claims of the parties. On June 8, 1938, the commissioner submitted his report and on the basis thereof, which was approved *in toto* by the trial court, judgment was rendered ordering the Mabalacat Sugar Central and Geo. C. Sellner to pay the respondents the respective amounts specified in said judgment. At the same date, an order was issued fixing the commissioner's fee at ₱250 and directed that this amount be paid by the parties in equal parts. To both this judgment and order which were af-

firmed by the Court of Appeals, the Mabalacat Sugar Co. and Geo. C. Sellner jointly interposed the present appeal.

Appellants here contend that it was error for the Court of Appeals to hold that one-half of the sugar-cane crop in the "Hacienda Concepción" pertains to the respondents and that the levy thereof in satisfaction of Sellner's mortgage indebtedness to the Central was illegal. The following stipulation of the parties bears out this finding:

"That Geo. C. Sellner was the lessee of the 'Hacienda Concepción'; that claimants named herein were his tenants entitled to one-half of the proceeds of the crop individually raised and harvested by each of them."

To argue that the *proceeds* of the crop is different from the *crop* itself is to quibble about distinction that serves only to confuse the ends of justice.

It is also contended that it was error for the Court of Appeals to find that the receiver, at the time of the execution of the mortgage, had knowledge that one-half of the sugar-cane crop in question pertains to the respondents. This is a question of fact which we cannot review. And besides the supposed error is immaterial. Whether the receiver had or had no such knowledge, the fact remains that one-half of the sugar-cane crop in question belonged to the respondents, and could not be disposed of by Sellner in favor of the receiver.

The receiver also maintained that, as mortgagee, he has a right to the sugar-cane crop superior to that claimed by the respondents. Logically and legally, we cannot indulge in a comparison of rights to determine which is superior over the other, where one of such rights does not exist. In the instant case, under the circumstances heretofore shown, the receiver has absolutely no right to one-half of the sugar-cane crop which pertains to the respondents. Sellner cannot lawfully mortgage such half and the receiver cannot as lawfully levy on them in satisfaction of Sellner's indebtedness alone.

Appellants lastly contend that it was error for the trial court to have allowed the intervention of the respondents. As to Sellner, his acquiescence, in open court, to respondents' petition places him in estoppel to raise this question. Moreover, the respondents have legal interest in one-half of the sugar-cane crop in litigation and, therefore, they are entitled to intervene under section 121 of Act No. 190.

The other error assigned by appellants refers to findings of facts which we cannot review.

Judgment is affirmed, with costs against petitioners.

Avanceña, C. J., Diaz, Laurel, and Horrilleno, JJ., concur.

Judgment affirmed.

[No. 47684. June 10, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellant,
vs. DIONISIO A. MANEJA, defendant and appellee.

CRIMINAL LAW AND PROCEDURE; FALSE TESTIMONY; PRESCRIPTION.—

The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities or their agents. (Art. 91, Revised Penal Code.) With regard to the crime of false testimony, considering that the penalties provided therefor in article 180 of the Revised Penal Code are, in every case, made to depend upon the conviction or acquittal of the defendant in the principal case, the act of testifying falsely does not therefore constitute an actionable offense until the principal case is finally decided. (Cf. U. S. *vs.* Opinion, 6 Phil., 662, 663; People *vs.* Marcos, G. R. No. 47388, October 22, 1940.) And before an act becomes a punishable offense, it cannot possibly be discovered as such by the offended party, the authorities or their agents.

APPEAL from an order of the Court of First Instance of Oriental Negros. Cabahug, J.

The facts are stated in the opinion of the court.

First Assistant Solicitor-General Reyes and Solicitor Barcelona for appellant.

Del Rosario & Del Rosario, Pelaez & Pelaez and Hilario B. Abellana for appellee.

Godofredo Reyes and Enrique Medina as private prosecutors.

MORAN, J.:

The sole question raised in this appeal is whether the period of prescription for the offense of false testimony which, in the instant case, is five years (art. 180, No. 4, in relation to art. 90, Revised Penal Code), should commence from the time the appellee, Dionisio A. Maneja, adduced the supposed false testimony in criminal case No. 1872 on December 16, 1933, as the lower court held, *or*, from the time the decision of the Court of Appeals in the aforesaid basic case became final in December, 1938, as the prosecution contends.

We hold that the theory of the prosecution is the correct one. The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities or their agents. (Art. 91, Revised Penal Code.) With regard to the crime of false testimony, considering that the penalties provided therefor in article 180 of the Revised Penal Code are, in every case, made to depend upon the conviction or acquittal of the defendant in the principal case, the act of testifying falsely does not therefore constitute an actionable offense

until the principal case is finally decided. (Cf. *U. S. vs. Opinion*, 6 Phil., 662, 663; *People vs. Marcos et al.*, G. R. No. 47388, Oct. 22, 1940.) And before an act becomes a punishable offense, it cannot possibly be discovered as such by the offended party, the authorities or their agents.

If the period of prescription is to be computed from the date the supposed false testimony is given, it would be impossible to determine the length of such period in any particular case, depending, as it does depend, on the final outcome of the basic case. For instance, a witness testifies falsely against an accused who is charged with murder. If the accused is found guilty, the penalty prescribed by law for the perjurer is *reclusión temporal* (art. 180, No. 1, Revised Penal Code), in which case the period of prescription is twenty years (art. 90, *idem*). On the other hand, if the accused is acquitted, the penalty prescribed for the perjurer is only *arresto mayor* (art. 180, No. 4, *idem*), in which case the period of prescription is only five years. Upon these hypotheses, if the perjurer is to be prosecuted before final judgment in the basic case, it would be impossible to determine the period of prescription—whether twenty years or five years—as either of these two periods is fixed by law on the basis of conviction or acquittal of the defendant in the main case.

The mere fact that, in the present case, the penalty for the offense of false testimony is the same, whether the defendant in criminal case No. 1872 were convicted or acquitted, is of no moment, it being a matter of pure coincidence. The four cases enumerated in article 180 of the Revised Penal Code—and the instant case falls on one of them—uniformly presuppose a final judgment of conviction or acquittal in the basic case as a prerequisite to the actionability of the crime of false testimony.

Order of dismissal is reversed, and let the case be remanded to the court of origin for further proceedings, without costs.

Avanceña, C. J., Diaz, Laurel, and Horrilleno, JJ., concur.
Order reversed.

[No. 47686. June 10, 1941]

In the matter of the testate estate of Agapita Tionson.
COMMONWEALTH OF THE PHILIPPINES, petitioner and
appellee, *vs.* TEODORO SANDIKO as administrator of the
estate, opponent and appellant.

HUSBAND AND WIFE; CONJUGAL PROPERTY; TITLE TAKEN IN THE
NAME OF ONE OF THE SPOUSES.—Settled is the rule that in the

absence of affirmative evidence to show that the acquisition was with the money belonging exclusively to one of the spouses, properties acquired during coverture shall be presumed conjugal (art. 1401, Civil Code; *Ramirez vs. Bautista*, 14 Phil., 528, 530; *Sison vs. Ambalada*, 30 Phil., 118; *Staples-Home vs. Building & Loan Assoc.*, 36 Phil., 417), even if the title thereto has been taken in the name of one of them only (*Guinguing vs. Abuton*, 48 Phil., 144, 148). And, in *Flores vs. Flores* (48 Phil., 288, 290, 291), upon an issue identical with the instant one, this court ruled that a surviving husband who obtains a Torrens title to land which has pertained to the conjugal estate does not make the property absolutely his; it must be treated as ganancial property until the conjugal partnership is liquidated.

APPEAL from an order of the Court of First Instance of Bulacan. Endencia, J.

The facts are stated in the opinion of the court.

Sumulong, Lavides & Sumulong and *Antonio C. Masaquel* for appellant.

Solicitor-General Ozaeta and *Assistant Attorney Alikpala* for appellee.

MORAN, J.:

During his marital life with one Mercedes Tiongson to whom he was married in 1901, Teodoro Sandiko acquired, by purchase, several properties among which are the three parcels of land in question, situated in the province of Pampanga and separately assessed at ₱33,779.84, ₱10,160, and ₱209.63. In 1931, Mercedes Tiongson died intestate and was survived by her husband and her only sister Agapita Tiongson. Several years thereafter, Teodoro Sandiko applied for the registration, in his own name, of the three parcels aforesaid, and having been adjudged to him, certificates of title were issued in his name, "married to Gregoria Morales." On April 8, 1937, Agapita Tiongson died, and in her will she instituted Teodoro Sandiko as one of her heirs with a share of one-half of her entire estate. The Collector of Internal Revenue filed a claim for inheritance taxes on the property inherited by Agapita Tiongson from her sister Mercedes, to which Teodoro Sandiko, as administrator of Agapita Tiongson's estate, filed his opposition on the three parcels of land above alluded to. The exemption is predicated upon the ground that said three parcels were his own exclusive properties and not of the conjugal partnership between him and his deceased wife Mercedes. The trial court declared the properties conjugal and ordered Sandiko to pay the inheritance taxes thereon. Hence, this appeal.

Appellant's claim to exclusive ownership of the parcels in question, as basis for exemption from inheritance taxes,

rests on two grounds: (1) that the deeds of purchase thereof were in his name alone, and (2) that the subsequent certificates of registration were also in his name alone. Neither of these two factors is a decisive test of exclusive ownership in the instant case. Settled is the rule that in the absence of affirmative evidence to show that the acquisition was with the money belonging exclusively to one of the spouses, properties acquired during coverture shall be presumed conjugal (art. 1401, Civil Code; *Ramirez vs. Bautista*, 14 Phil., 528, 530; *Sison vs. Ambalada*, 30 Phil., 118; *Staples-Home vs. Building & Loan Assoc.*, 36 Phil., 417), even if the title thereto has been taken in the name of one of them only (*Guinguing vs. Abuton*, 48 Phil., 144, 148). And, in *Flores vs. Flores* (48 Phil., 288, 290-291), upon an issue identical with the instant one, this court ruled that a surviving husband who obtains a Torrens title to land which has pertained to the conjugal estate does not make the property absolutely his; it must be treated as ganancial property until the conjugal partnership is liquidated.

Judgment is affirmed, with costs against appellant.

Avanceña, C. J., Diaz, Laurel, and Horrilleno, JJ., concur.

Judgment affirmed.

[No. 47689. June 10, 1941]

WILFRIDO MACEDA ET AL., plaintiffs and appellants, *vs.* ZOSIMO FERNANDEZ ET AL., defendants and appellants.

INSOLVENCY LAW; ACTIONS BY ASSIGNEE ON BEHALF OF CREDITORS.—

Settled is the rule that, after the election of an assignee and the assignment to him of all the properties of the insolvent, the title to all such properties shall, by operation of law, vest in him as of the date of the filing of the petition for insolvency. (Act No. 1656, sec. 32; *O'Brien vs. Del Rosario*, 49 Phil., 657; *Sun Life Assurance Co. vs. Ingersoll*, 42 Phil., 331.) From then all actions to recover the estate, debts, and effects of the insolvent should be brought and prosecuted by the assignee and not by the creditors. (Act No. 1956, secs. 33 and 36, par. 1.) Moreover, plaintiffs' complaint partakes of the nature of an action to nullify fraudulent transactions provided for in section 70 of the Insolvency Law, and as such, should be prosecuted by the assignee in representation of the general creditors. (*Asia Banking Corporation vs. Herridge*, 45 Phil., 577, 588.)

APPEAL from an order of the court of First Instance of Laguna. Labrador, J.

The facts are stated in the opinion of the court.

Aurelio Palileo for appellants.

Estanislao A. Fernandez, jr., for appellee Fernandez.

Mariano Gabatan in his own behalf.

MORAN, J.:

On May 30, 1939, plaintiffs, Wilfrido Maceda, Ana Fabella, Pedro E. Llamas, Miguela Tabia, Felicita Abaya and Sancho Salamea, instituted, in the Court of First Instance of Laguna, an action against Zosimo Fernandez and Mariano Gabatan, the latter in his capacity as assignee of the estate of the insolvent, Francisco Abaya, seeking to annul all the proceedings taken under civil case No. 6190. The complaint alleges that all said plaintiffs, except Wilfrido Maceda, were duly named as creditors of the insolvent Francisco Abaya and have duly proved their claims in the insolvency proceedings, and that the action brought by Zosimo Fernandez against Francisco Abaya some time in 1932 to 1934 in said civil case No. 6190 was entirely a matter of connivance by and between them, the debt sought then to be recovered being purely imaginary and the levy and execution sale of all the properties of Abaya having been effected with his implied consent to the benefit of Zosimo Fernandez who acquired all of them, the purpose being to prevent the herein plaintiffs from thereafter having any recourse to said properties of Francisco Abaya. The demurrer interposed to the complaint was sustained on the ground that plaintiffs have no cause of action, and from the order dismissing the complaint this appeal was taken.

The demurrer was rightly sustained. Settled is the rule that, after the election of an assignee and the assignment to him of all the properties of the insolvent, the title to all such properties shall, by operation of law, vest in him as of the date of the filing of the petition for insolvency. (Act No. 1656, sec. 32; *O'Brien vs. Del Rosario*, 49 Phil., 657; *Sun Life Assurance Co. vs. Ingersoll*, 42 Phil., 331.) From then all actions to recover the estate, debts, and effects of the insolvent should be brought and prosecuted by the assignee and not by the creditors. (Act No. 1956, secs. 33 and 36, par. 1). Moreover, plaintiffs' complaint partakes of the nature of an action to nullify fraudulent transactions provided for in section 70 of the Insolvency Law, and as such, should be prosecuted by the assignee in representation of the general creditors. (*Asia Banking Corp. vs. Herridge*, 45 Phil., 577, 588).

Order is affirmed, with costs against appellants.

Avanceña, C. J., Diaz, Laurel, and Horrilleno, JJ., concur.

Order affirmed.

[No. 47762. June 10, 1941]

SILVERIO MORCO, plaintiff and appellant, *vs.* SALVADOR MUÑOZ, defendant and appellee.

APPEAL AND ERROR; APPEAL FROM JUSTICE OF THE PEACE COURT; PERIOD FOR FILING APPEAL BOND.—According to section 76 of Act No. 190 as amended by Acts Nos. 1627 and 3615, “an appeal in civil causes shall be filed within fifteen days after notification of the party of the judgment complained of, and shall be perfected (a) by filing with the justice of the peace a notice that the party intends to appeal; (b) by delivering a certificate of the municipal treasurer showing that the appellant has deposited the sum of sixteen pesos as appellate court docketing fee, or, in Manila, by the delivery of said sum to the clerk of court; and (c) by giving bond.” It is clear from this legal provision that the appeal bond should be filed within fifteen days from notice of judgment. Since the appeal bond in the instant case was filed on the 27th day from notice of judgment, the appeal was not duly perfected and was rightly dismissed.

APPEAL from an order of the Court of First Instance of Albay. Lesaca, J.

The facts are stated in the opinion of the court.

Francisco Muñoz for appellant.

Gregorio A. Sabater for appellee.

MORAN, J.:

Plaintiff's appeal from the judgment rendered by the justice of the peace court of Camalig, Albay, was dismissed by the Court of First Instance of said province, on the ground that the appeal bond was filed long after the expiration of the period of fifteen days from notice of judgment. From the order of dismissal plaintiff appealed to the Court of Appeals which certified the case to this Court as it involves a pure question of law.

According to plaintiff-appellant himself, he received the notice of judgment of the justice of the peace court on February 15, 1939, and within the time provided by law he filed in court the notice of appeal and the certificate of deposit of the docketing fee but did not give the appeal bond until March 14, 1939.

According to section 76 of Act No. 190 as amended by Acts Nos. 1627 and 3615, “an appeal in civil causes shall be filed within fifteen days after notification of the party of the judgment complained of, and shall be perfected (a) by filing with the justice of the peace a notice that the party intends to appeal; (b) by delivering a certificate of the municipal treasurer showing that the appellant has deposited the sum of sixteen pesos as appellate court docketing fee, or, in Manila, by the delivery of said sum to the

clerk of court; and (c) by giving bond." It is clear from this legal provision that the appeal bond should be filed within fifteen days from notice of judgment. Since the appeal bond in the instant case was filed on the 27th day from notice of judgment, the appeal was not duly perfected and was rightly dismissed.

Appellant contends that the laws of procedure should be humanized, but he gives no justification for his failure to file the appeal bond on time. That such failure was due to an innocent mistake is not a good excuse, for well known is the principle that ignorance of the law excuses no one from noncompliance therewith.

Order is affirmed, with costs against appellant.

Avanceña, C. J., Díaz, Laurel, and Horrilleno, JJ., concur.

Order affirmed.

[No. 47770. Junio 10, 1941]

SILVESTRE GALLANO, recurrente, *contra* PABLO S. RIVERA, como Juez de Primera Instancia de Negros Occidental, y CESÁREO ESPAÑOLA, recurridos.

JUZGADO DE PAZ; FALLO DE UN ASUNTO DESPUÉS DEL PLAZO DE UNA SEMANA; JURISDICCIÓN.—La disposición del artículo 66 del Código de Procedimiento Civil, del cual es copia el artículo 11, Regla 4, de los Nuevos Reglamentos, no es imperativa en cuanto al plazo de una semana, sino directiva. Por tanto, aún cuando el asunto se falló después del mencionado plazo por el Juzgado de Paz, éste no perdió su jurisdicción sobre el mismo.

JUICIO ORIGINAL en el Tribunal Supremo. *Certiorari.*

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Ernesto J. Seva en representación del recurrente.

D. Alfonso Dádivas y *D. Simeón A. Barranco* en representación del recurrido Española.

El Juez recurrido en su propia representación.

HORRILLEN, M.:

Se trata de una solicitud de *certiorari*, presentada por Silvestre Gallano, recurrente, contra el Honorable Pablo S. Rivera, como Juez de Primera Instancia de Negros Occidental, y Cesáreo Española. Tiene por objeto el que se declaren nulas, por haberse dictado sin jurisdicción por el Juez recurrido, las órdenes de fecha 10 y 29 de agosto de 1940. La de 10 de agosto denegaba la moción del recurrente, en la que pedía se sobreseyera la causa en que es demandante Cesáreo Española y demandado Silvestre Gallano. La fechada el 29 de agosto denegaba, también, el

pedimento de reconsideración del auto de fecha 10 de agosto. Como fundamento del recurso se alega que dicha causa es una elevada al Juzgado de Primera Instancia de Negros Occidental, en virtud de una apelación interpuesta por el recurrente contra la sentencia del Juzgado de Paz de Pontevedra, de la mencionada provincia de Negros Occidental; y que dicho Juzgado de Paz no falló el asunto sino después de una semana de haberse sometido a su decisión, lo cual—afirma el recurrente—es contrario a lo prescrito en el artículo 66 del Código de Procedimiento Civil y en el artículo 11, Regla 4, de los Nuevos Reglamentos, que disponen que los jueces de paz deberán decidir las causas dentro de una semana desde la fecha en que queden sometidas al Juzgado para su resolución.

En el asunto de Alejandro et al. *contra* el Juzgado de Primera Instancia de Bulacán (R. G. No. 47384, decidido el 5 de diciembre de 1940), se ha declarado por este Tribunal que la disposición del artículo 66 del Código de Procedimiento Civil, del cual es copia el artículo 11, Regla 4, de los Nuevos Reglamentos, no es imperativa en cuanto al plazo de una semana, sino directiva. Por tanto, aún cuando el asunto se falló después del mencionado plazo por el Juzgado de Paz, éste no perdió su jurisdicción sobre el mismo.

Se deniega, por consiguiente, el presente recurso, con las costas a cargo del recurrente. Así se ordena.

Avanceña, Pres., Díaz, Laurel, y Moran, MM., están conformes.

Se deniega el recurso.

[No. 47863. Junio 10, 1941]

JOSÉ H. JUNQUERA, demandante y apelante, *contra* JOSÉ VAÑO, AQUILINO A. LEGASPI, y DU CHIN LLU, demandados y apelados.

1. TUTELA; CIERRE O TERMINACIÓN; PETICIÓN DEL PUPILO.—No puede concederse ni ordenarse por el Juzgado, *motu proprio*, el cierre o terminación de un expediente de tutela de un menor, sino cuando lo pidiere el interesado, o sin antes oírle, o recibir pruebas de alguna clase para determinar si tal paso debe darse o no.
2. ID.; VENTA POR UN TUTOR; CASO DE AUTOS.—El artículo 569 de la citada Ley No. 190 permite la venta por un tutor, previa autorización judicial, de los bienes de su pupilo, con tal de que exponga antes al Juzgado que esté conociendo del expediente de su tutela, los hechos y las circunstancias que demuestran la necesidad o conveniencia de dicha venta, siendo el propósito de dicha ley, procurar el mayor beneficio posible para el pupilo. Se cumplió esta disposición de ley, no procediendo J. V. como tutor del apelante, a vender ninguno de los tres referidos lotes de la propiedad del último, sin antes informar al Juzgado de la

necesidad de la venta de los mismos y sin antes oír a su curador *ad litem* que fué nombrado expresamente para defender sus intereses y derechos. Se publicaron los anuncios requeridos, para conocimiento de los parientes del apelante y de cualesquier otras personas interesadas en el asunto; y no consta que alguien haya comparecido para impugnar dichas ventas, siendo por consiguiente natural y lógico creer que no se presentó ninguna objeción a las mismas; pues de otro modo, el Juzgado no hubiese autorizado su venta. La ley presume que el deber oficial ha sido debidamente cumplido.

3. ID.; JURISDICCIÓN DEL JUZGADO DE PRIMERA INSTANCIA.—Por ley, compete a los Juzgados de Primera Instancia conocer originalmente de todas las actuaciones especiales en materia de tutelas y de todos los incidentes relacionados con las mismas. El artículo 569 de la Ley No. 190 autoriza expresamente a los Juzgados de Primera Instancia, para permitir la venta de los bienes de un pupilo si así lo exigieren sus circunstancias y sus necesidades, y si tal paso ha de redundar en su beneficio. No les quita ni los despoja de su competencia el hecho de que la solicitud que un tutor les presenta para pedir una autorización para dicho fin, no esté jurada. No es imperativa sino potestativa aquella disposición del mencionado artículo que dice que las solicitudes que se han de presentar a los Juzgados para pedir autorización para vender alguna propiedad de un menor que está bajo tutela, debieran estar juradas.
4. ID.; COMPRA POR EL ABOGADO DEL TUTOR.—El acto ejecutado por T. G. I., comprando el lote No. 7864 en la fecha y en las circunstancias ya mencionadas, para revenderlo al día siguiente por una cantidad mayor en ₡250, es de distinta naturaleza; no solamente es chocante sino también abiertamente contrario a la ley, porque al comprarlo sabía que lo que compraba era de la propiedad de un menor en cuyo expediente de tutela intervenía como abogado de su tutor.

APELACIÓN contra una sentencia del Juzgado de Primera Instancia de Cebú. Natividad, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Enrique Medina en representación del apelante.

D. Vicente L. Faelnar en representación del apelado Vaño.

D. Honorato S. Hermosísima en representación del apelado Legazpi.

D. Hipólito Alo en representación del apelado Du Chin Llu.

Díaz, M.:

El demandante era un menor cuyo Expediente de Tutela abierto en 1909 en el Juzgado de Primera Instancia de Cebú, bajo el No. 283 del Registro de dicho Juzgado, se cerró por orden judicial, el 16 de junio de 1937. Hasta pocos años antes de dicha fecha, el demandante era dueño, entre otras propiedades, de las fincas que se describen en el Catastro de Cebú, como lotes Nos. 7864, 7865 y 7866, por las cuales

se le habían expedido los Certificados Originales de Título Nos. 2786 (Exhíbit A), 2787 (Exhíbit B) y 2788 (Exhíbit C), respectivamente. Su tutor que entonces era el demandado José Vañó vendió las tres referidas fincas, con autorización judicial, a Thomas G. Ingalls la primera, o sea el lote No. 7864, por la cantidad de ₱3,750, el 27 de enero de 1927; y al demandado Aquilino A. Legaspi, en pública subasta, las dos últimas, o sean los lotes Nos. 7865 y 7866, por la cantidad de ₱4,250, el 24 de abril de 1930. Después de haberse cerrado el Expediente de su Tutela, y creyendo, como antes de cerrarse el mismo, que su tutor había vendido aquellas de un modo ilegal, promovió, en virtud de la reserva que el Juzgado le concedió mediante su mencionada orden de 16 de junio de 1937, la presente causa en el Juzgado de Primera Instancia de Cebú para reivindicar las mismas de su actual poseedor Du Chin Llu que es uno de los demandados, a quien las vendieron Thomas G. Ingalls y Aquilino A. Legaspi; y para pedir que en el caso de no ser posible su reivindicación, fuesen ordenados a pagarle dicho demandado y José Vañó el precio de ₱10,000, de la primera (lote No. 7864), más ₱6,000 en concepto de daños y perjuicios; y a pagarle también dicho José Vañó y Aquilino A. Legaspi el precio de las dos últimas (lotes Nos. 7865 y 7866), que es ₱20,000, más ₱8,700 en concepto de daños y perjuicios. El Juzgado, en vez de dar la razón al demandante, absolvió de su demanda a los tres demandados, sin hacer pronunciamiento alguno en cuanto a las costas. Contra esta decisión del Juzgado, el demandante interpuso apelación, atribuyendo al mismo los errores que apunta en su alegato, en estos términos:

"I. El Juzgado *a quo* erró al no declarar que el llamado 'tutor' Sr. José Vañó, demandado-apelado en esta causa, no era en realidad tutor del entonces menor Sr. José H. Junquera, y al no declarar que dicho Sr. José Vañó no tenía capacidad jurídica para vender el lote No. 7864 de la medición catastral de Cebú, registrado a nombre de dicho Sr. José H. Junquera, certificado original de título No. 2786.

"II. El Juzgado *a quo* erró al declarar que el Juzgado de Primera Instancia de Cebú tenía competencia y jurisdicción para autorizar la venta del citado lote número 7864, no obstante la evidente falta de cumplimiento de los requisitos legales exigidos por el artículo 569 del Código de Procedimiento Civil.

"III. El Juzgado *a quo* erró al no declarar que Mr. Thomas G. Ingalls, que actuaba como abogado de la Tutela, no tenía capacidad legal para ser postor y adquirir en venta el citado lote número 7864.

"IV. El Juzgado *a quo* erró al no declarar nula y sin

valor la venta hecha por el demandado José Vañó a favor de su propio abogado Mr. Thomas G. Ingalls, y al no declarar que dicho José Vañó es responsable de su conducta.

"V. El Juzgado *a quo* erró al no declarar que el Juzgado de Primera Instancia de Cebú obró sin jurisdicción, al autorizar y aprobar la venta de los lotes números 7865 y 7866 del Catastro de Cebú, constándole positivamente que el pupilo José H. Junquera *ya era mayor de edad*, cuando se solicitó y se aprobó la venta de dichos dos lotes.

"VI. El Juzgado *a quo* erró al no declarar que José Vañó no tenía capacidad jurídica para vender los lotes números 7865 y 7866, y al no declarar que las ventas hechas por el demandado José Vañó de los tres lotes 7864, 7865 y 7866, son fraudulentas.

"VII. El Juzgado *a quo* erró al no declarar que el apelado José Vañó obró de mala fe, y que él es responsable de sus actos por los daños y perjuicios irrogados al demandante-apelante.

"VIII. El Juzgado *a quo* erró al no declarar que el demandado Du Chin Llu obró también de mala fe, y con conocimiento de todas las circunstancias que rodearon la venta de los bienes del demandante.

"IX. El Juzgado *a quo* erró al declarar que los derechos del demandante-apelante están ya prescritos.

"X. El Juzgado *a quo* erró al declarar que el demandante está en estoppel.

"XI. El Juzgado *a quo* erró al no declarar que el demandante tiene mejor derecho que Du Chin Llu.

"XII. El Juzgado *a quo* erró al denegar la moción de nueva vista."

Son hechos que no se pueden discutir porque constan en documentos, que José Vañó fué nombrado Tutor de la persona y de los bienes del demandante y apelante José H. Junquera, y entró en funciones como tal, el mes de diciembre de 1926, prestando previamente la fianza de ₱1,000 que se le había requerido. (Exhíbits 2-Vañó y 3-Vañó). Escasamente un mes después, presentó en el Expediente de Tutela del apelante, su pupilo, la moción de la que es parte pertinente la que va a continuación, para pedir la necesaria autorización del Juzgado para vender el lote No. 7864, notificando previamente de la misma al curador *ad litem* que había sido nombrado por el Juzgado, para defender los intereses del apelante:

"1. That he has been offered ₱3,650 cash for lot No. 7864, belonging to the minor Jose H. Junquera, having an area of 608 square meters;

"2. That the house on this lot is in ruins;

"3. That the rents from this property at present are ₱11.70 per month;

"4. That the guardian has no funds of said minor to rebuild said house;

"5. That it would be to the best interest of said minor to accept the aforesaid offer and to lend the proceeds at interest;

"6. That the guardian considers said offer of ₱3,650 as reasonable and acceptable.

"Wherefore the Court is prayed to authorize the guardian to sell said property for not less than ₱3,650 cash.

"Cebu, Cebu, P. I., January 3rd., 1927.

"MCVEAN & VICKERS

By (Sgd.) "J. C. VICKERS

"Attorneys for Guardian

"Sr. MANUEL TRINIDAD

"Guardian ad litem

"Cebu, Cebu

"Sir: Please take notice that the foregoing motion will be submitted to the Court on January 10th, 1927, at 8 a. m.

"MCVEAN & VICKERS

By (Sgd.) "J. C. VICKERS

"Attorneys for Guardian

"Rec'd. Copy, Jan. 4, 1927.

(Sgd.) "MANUEL TRINIDAD

"Guardian ad litem"

(Exhíbit 5—Vañó)

Actuando el Juzgado sobre la referida moción, autorizó a José Vañó como tutor del apelante, para vender el indicado lote a un precio no menor de ₱3,650 (Exhíbit 6—Vañó); y obrando bajo la autorización que le fué concedida, dicho tutor vendió aquél a Thomas G. Ingalls, con la conformidad del curador *ad litem* del apelante, a un precio mayor que el autorizado: ₱3,750, el 27 de enero de 1927 (Exhíbit 8—Vañó, y A); y su acto fué aprobado por el Juzgado el 7 de febrero de 1927. (Exhíbit 9—Vañó.) Entonces el apelante tenía 19 años, 5 meses y 18 días, y se hallaba fuera de Filipinas, estudiando en España, de donde no regresó sino el mes de octubre de 1933, siendo ya mayor de edad por tener 26 años cumplidos. Al día siguiente de haber comprado Ingalls el lote de que se trata (No. 7864), lo vendió por la suma de ₱4,000 al apelado Du Chin Llu (Exhíbit A-1, P. de P.).

José Vañó, contando también con la autorización del Juzgado, vendió en pública subasta, el 19 de abril de 1930, los dos últimos lotes, es decir, Nos. 7865 y 7866, por la cantidad de ₱4,250 a Aquilino A. Legaspi (Exhíbits 15—

Vañó y 16—Vañó). Para obtener la autorización del Juzgado para efectuar la venta de los referidos lotes, presentó una moción el 20 de marzo del expresado año, en la cual alegó estos hechos:

"1. That the minor is at present in need of funds for lodging, tuition fees, and other miscellaneous expenses, and the guardian also must pay necessary legal expenses;

"2. That the balance remaining in hands of the guardian is only ₱517.12, which is not sufficient to cover the expenses of the minor, for the period from January, 1929, to December 31st, 1930;

"3. That the minor has no other income, except the small sums of money received from the ground rents of lots Nos. 7865 and 7866, in the sum of about ₱12 per month;

"4. That the guardian has been offered ₱4,134 cash for lots Nos. 7865 and 7866 of the Cebu Cadastral Survey, Original Certificates of Titles Nos. 2787 and 2788, having a total area of 2,067 square meters, more or less;

"5. That by reason of the foregoing circumstances, the guardian considers said offer of ₱4,134 cash to be reasonable and acceptable, and is to the best interest of the minor;

"Wherefore, this Honorable Court is respectfully prayed to authorize the guardian, with the approval of the Curador ad litem to sell said lots Nos. 7865 and 7866 of the Cebu Cadastral Survey, Transfers Certificate of Titles Nos. 2787 and 2788, in the sum of not less than ₱4,134 cash.

"Cebu, Cebu, P. I., March 20, 1930.

"DONALD G. McVEAN AND
THOMAS G. INGALLS

By (Sgd.) "THOS G. INGALLS

"Attorneys for Guardian

"The Clerk of the Court will please submit the foregoing motion on March 24, 1930, at 8 a. m.

"Cebu, Cebu, P. I., March 20, 1930.

"DONALD G. McVEAN AND
THOMAS G. INGALLS

By (Sgd.) "THOS G. INGALLS

"Attorneys for Guardian

"This is to certify that I have received a copy of the foregoing motion, this 22nd day of March, 1930. Consent that the same be submitted on said date.

(Sgd.) "EUGENIO RODIL

*"Curador ad litem of the
minor José H. Junquera"*

(Exhíbit 12—Vañó)

La autorización del Juzgado exigía que la venta se hiciese en pública subasta, al mejor postor, y previa publicación

de los anuncios correspondientes; y todos estos requisitos se cumplieron al pie de la letra, habiéndose efectuado la publicación de aquéllos en el semanario *Nasud* de Cebú, que era de circulación general en dicha provincia y en otras provincias de Visayas, y en Mindanao. (Exhíbit 16—Vañó). Es por esto que el Juzgado autorizó y ordenó a José Vañó que otorgase como en efecto otorgó, a favor de Aquilino A. Legaspi la correspondiente escritura de traspaso, el día 24 de abril de 1930. (Exhíbit 18—Vañó). Al día siguiente de haber bajado la autorización del Juzgado y de haberse otorgado por el tutor la referida escritura de traspaso, o sea el 25 de abril de 1930, Aquilino A. Legaspi traspasó a su vez los mismos dos lotes, por la cantidad de ₱7,751.25, al apelado Du Chin Llu. (Exhíbit B-1 y C-1, Pza. de Pruebas). Cuando este último traspaso tuvo lugar, el apelante continuaba ausente en España, y estaba entonces muy próximo a cumplir sus 23 años; y el producto de las ventas de los tres lotes de referencia, se invirtieron en su propio beneficio no constando en ninguna parte que José Vañó se haya lucrado, o haya permitido a otros lucrarse con dichas ventas.

Para determinar si en efecto se cometieron por el Juzgado *a quo* los errores que el apelante le atribuye en su alegato, debemos tener presente los hechos que se acaban de relatar.

La ausencia del apelante de Filipinas por hallarse estudiando en España, al efectuarse la venta del lote No. 7864; el hecho de tener él entonces 19 años, 5 meses y 18 días de edad solamente; el hecho de que entonces existía aún pendiente en el Juzgado, en aquella misma ocasión, su Expediente de Tutela, el cual fué promovido por su madre en 1909, cuando apenas tenía 2 años de edad (Exhíbit D); y el otro hecho de que su tutor José Vañó actuó y fué tenido por tal no solamente por él (apelante), sino también por el Juzgado desde que fué nombrado para dicho cargo en diciembre de 1926 (Exhíbit 2—Vañó), hasta cerrarse el referido Expediente en 1937, prestando antes de asumir el cargo, la fianza de ₱1,000 que se le había requerido (Exhíbit 3—Vañó); demuestran a las claras que era aún necesario que estuviese, y continuase estando sujeto a tutela; que José Vañó era su legítimo tutor; y que éste vendió el lote No. 7864 a Thomas G. Ingalls, de entera conformidad con la ley, obteniendo previamente el consentimiento y la autorización del Juzgado, lo mismo para vender el referido lote que para otorgar la escritura de traspaso que otorgó, después de haberlo vendido; y todo esto hizo él con la intervención, y la aquiescencia y consentimiento del cura-

dor *ad litem* del apelante. (Exhíbit 5—Vañó, 8—Vañó y 9—Vañó).

La omisión de José Vañó de prestar un juramento especial de cargo, que para el apelante es fatal, antes de entrar en el desempeño de su cargo de tutor, si omisión cabe llamarse el hecho de no haber él prestado semejante juramento, no ha viciado ni pudo haber viciado su nombramiento; en primer lugar, porque la ley entonces en vigor que es la Ley No. 190 no requería en términos expresos la prestación de ningún juramento de dicha clase; y en segundo lugar, al formalizar su fianza para garantizar que presentaría un inventario de los bienes del apelante como su pupilo; que administraría y dispondría de dichos bienes conforme a la ley y en beneficio de los intereses del mismo; y que desempeñaría fielmente su cometido atendiendo al cuidado de la persona y a la educación de dicho apelante, prestó el único juramento requerido por el artículo 556 de la mencionada ley, que dice:

"All letters of guardianship issued, and all guardians' bonds executed under the provisions of this chapter, together with the oaths thereon, must be recorded by the clerk of the Court of First Instance of the province within and for which the appointment is made."

La ausencia del apelante de Filipinas en 1930 cuando los dos lotes Nos. 7865 y 7866 fueron vendidos en dicho año por el apelado José Vañó, ajustándose estrictamente, al hacerlo, a los términos de la ley y a los de un mandato judicial, demuestra asimismo que, no obstante haber llegado dicho apelante a la mayor edad, pues entonces estaba ya muy próximo a cumplir, como se ha dicho, sus 23 años, no podía prescindir de un tutor o de una persona que administrase y dispusiese de sus bienes bajo supervisión judicial, en beneficio suyo; que debía continuar sustanciándose su Expediente de Tutela porque permanecía aún abierto; y que lo hecho respecto a las ventas de sus tres referidas propiedades era lo mejor, lo más prudente, y lo más beneficioso que podía hacerse, para ayudarle en el estado y en las circunstancias en que entonces se encontraba.

Por otra parte, no puede concederse ni ordenarse por el Juzgado, *motu proprio*, el cierre o terminación de un expediente de tutela de un menor, sino cuando lo pidiera el interesado, o sin antes oírle, o recibir pruebas de alguna clase para determinar si tal paso debe darse o no; y no consta por cierto en autos que el apelante o algún otro en su lugar lo haya hecho, antes de consumarse las referidas ventas. Sólo se pidió y se ordenó el cierre del Expediente de Tutela del apelante, en las fechas ya mencionadas. El

artículo 575 de la Ley No. 190 contiene sobre el particular la siguiente disposición:

"The marriage of a minor ward terminates the guardianship of the person of such ward, but not of the estate; the guardian of an insane or other person may be discharged by the court when it appears, upon the application of the ward or otherwise, that the guardianship is no longer necessary."

El artículo 569 de la citada ley No. 190 permite la venta por un tutor, previa autorización judicial, de los bienes de su pupilo, con tal de que exponga antes al Juzgado que esté conociendo del expediente de su tutela, los hechos y las circunstancias que demuestran la necesidad o conveniencia de dicha venta, siendo el propósito de dicha ley, procurar el mayor beneficio posible para el pupilo. Se cumplió esta disposición de ley, no procediendo José Vañó como tutor del apelante, a vender ninguno de los tres referidos lotes de la propiedad del último, sin antes informar al Juzgado de la necesidad de la venta de los mismos y sin antes oír a su curador *ad litem* que fué nombrado expresamente para defender sus intereses y derechos. Se publicaron los anuncios requeridos, para conocimiento de los parientes del apelante y de cualesquier otras personas interesadas en el asunto; y no consta que alguien haya comparecido para impugnar dichas ventas, siendo por consiguiente natural y lógico creer que no se presentó ninguna objeción a las mismas; pues de otro modo, el Juzgado no hubiese autorizado su venta. La ley presume que el deber oficial ha sido debidamente cumplido.

No debe olvidarse que en la moción que José Vañó presentó para pedir la autorización judicial para vender el lote No. 7864, alegó claramente estos hechos: "2. That the house on this lot is in ruins; 3. That the rents from this property at present are ₱11.70 per month; 4. That the guardian has no funds of said minor to rebuild said house; 5. That it would be to the best interest of said minor to accept the aforesaid offer and to lend the proceeds at interest"; y en la moción que presentó para pedir la misma autorización para vender los lotes Nos. 7865 y 7866, dijo entre otras cosas, lo siguiente: "1. That the minor is at present in need of funds for lodging, tuition fees, and other miscellaneous expenses, and the guardian also must pay necessary legal expenses; 2. That the balance remaining in hands of the guardian is only ₱517.12, which is not sufficient to cover the expenses of the minor, for the period from January, 1929, to December 31st, 1930; 3. That the minor has no other income, except the small sums of money

received from the ground rents of Lots Nos. 7865 and 7866, in the sum about ₱12 per month".

La proposición del apelante de que el Juzgado de Primera Instancia de Cebú no tenía competencia para autorizar la venta de ninguna de las tres referidas propiedades, es insostenible, porque, por ley, compete a los Juzgados de Primera Instancia conocer originariamente de todas las actuaciones especiales en materia de tutelas y de todos los incidentes relacionados con las mismas. El artículo 569 de la Ley No. 190 autoriza expresamente a los Juzgados de Primera Instancia, para permitir la venta de los bienes de un pupilo si así lo exigieren sus circunstancias y sus necesidades, y si tal paso ha de redundar en su beneficio. No les quita ni los despoja de su competencia el hecho de que la solicitud que un tutor les presenta para pedir una autorización para dicho fin, no esté jurada. No es imperativa sino potestativa aquella disposición del mencionado artículo que dice que las solicitudes que se han de presentar a los Juzgados para pedir autorización para vender alguna propiedad de un menor que está bajo tutela, debieran estar juradas. El texto pertinente del referido artículo es de este tenor:

"* * * podrá el tutor presentar al juez o al juzgado que le nombró una petición jurada manifestando las condiciones de los bienes del pupilo, y los hechos y circunstancias en que está basada aquélla, con el fin de demostrar la necesidad o conveniencia de la venta. * * *"

Es ciertamente raro y hasta chocante que la venta por Thomas G. Ingalls del lote No. 7864 al apelado Du Chin Llu tuviera lugar el día siguiente de haberlo adquirido; y es también raro y extraño que la venta de los lotes Nos. 7865 y 7866 por el apelado Aquilino A. Legaspi al apelado Du Chin Llu, tuviera lugar a su vez el día siguiente al de haberse concedido al apelado José Vañó la autorización judicial para otorgar la escritura de traspaso, y 5 días después de la pública subasta en que aquélla tuvo lugar; pero, estos hechos, sin otras pruebas, no justifican por sí solos la conclusión de que los apelados obraron con fraude, de mala fe. El fraude y la mala fe no se presumen ni pueden inferirse de hechos simples o aislados como los mencionados; deben probarse con alguna claridad, porque entre las varias presunciones de ley que deben admitirse como satisfactorias sin necesidad de prueba, si no son refutadas, están la de que las negociaciones privadas han sido justas y como se acostumbra hacerlas; la de que se ha seguido el curso ordinario en los negocios; la de que los hechos han tenido lugar en el curso ordinario de las cosas y de las

costumbres de la vida; y la de que toda persona es inocente de un delito o de una falta o un daño.

Pero, el acto ejecutado por Thomas G. Ingalls, comprando el lote No. 7864 en la fecha y en las circunstancias ya mencionadas, para revenderlo al día siguiente por una cantidad mayor en ₡250, es de distinta naturaleza; no solamente es chocante sino también abiertamente contrario a la ley, porque al comprarlo sabía que lo que compraba era de la propiedad de un menor en cuyo expediente de tutela intervenía como abogado de su tutor. No puede impugnar este hecho, porque él mismo declaró paladinamente en su escrito de 24 de abril de 1930, presentado en el Expediente de Tutela del apelante, no esperando entonces que surgiría el incidente promovido por el apelante, esto que sigue:

"1. That the undersigned have acted as attorneys for the guardian in this proceedings since February, 1925, at which time the said estate was valued at ₡11,329.90." Estando firmado el referido escrito por "Donald G. McVean and Thomas G. Ingalls, by Thomas G. Ingalls, Attorneys for guardian", debe concluirse que lo preparó Ingalls mismo, y que sabía que es verdad todo lo que allí decía.

Pues, bien: el artículo 1459 del Código Civil contiene la siguiente prohibición:

"No podrán adquirir por compra, aunque sea en subasta pública o judicial por sí ni por persona alguna intermedia:

* * * * *

"5.º Los Magistrados, Jueces, individuos del Ministerio fiscal, Secretarios de Tribunales y Juzgados y Oficiales de Justicia, los bienes y derechos que estuviesen en litigio ante el Tribunal, en cuya jurisdicción o territorio ejercieran sus respectivas funciones, extendiéndose esta prohibición al acto de adquirir por cesión.

"Se exceptuará de esta regla el caso en que se trate de acciones hereditarias contra coherederos, o de cesión en pago de créditos, o de garantía de los bienes que posean.

"La prohibición contenida en este núm. 5.º comprenderá a los Abogados y Procuradores respecto a los bienes y derechos que fueren objeto de un litigio en que intervengan por su profesión y oficio."

Ingalls no es ciertamente parte en esta causa, pero siendo Abogado, debe al Tribunal una explicación de su conducta en expediente aparte.

Después de lo dicho hasta aquí, la conclusión a que llegamos es que son infundados los primeros ocho errores atribuidos por el apelante al Juzgado *a quo*. Los últimos cuatro no siendo sino consecuencia de aquéllos, no tienen importancia y no hay necesidad de entrar en más consideraciones respecto a los mismos.

En virtud de todos los hechos y de todas las consideraciones que se acaban de exponer, confirmamos el fallo apelado del Juzgado *a quo*, condenando al apelante a pagar las costas.

Con respecto al abogado Thomas G. Ingalls, ordenamos que se facilite una copia de esta decisión al Procurador General para que, de conformidad con los Nuevos Reglamentos, practique la investigación necesaria y tome en su caso la acción disciplinaria que proceda contra dicho Abogado, por malas prácticas en el ejercicio de su profesión. Así se ordena.

Avanceña, Pres., Laurel, Moran, y Horrilleno, MM., están conformes.

Se confirma la sentencia.

[No. 47892. Junio 10, 1941]

PABLO VALENZUELA, demandante y apelado, *contra* VALERIO FLORES y SEGUNDA SANTIAGO, demandados y apelantes.

1. PRÁCTICA FORENSE; PETICIÓN DE SOBRESEIMIENTO; NOTIFICACIÓN DE LA VISTA.—Casos, como el presente, que entrañan cuestión de jurisdicción, el Tribunal que conozca de ellos podrá, sin instancia de ninguna de las partes, *motu proprio*, sobreseerlos; y si no lo hace, puede ser compelido a hacerlo por medio de un recurso de *mandamus*.
2. ID.; ID.; ID.—Copia de la petición de sobreseimiento se ha servido a los apelantes con notificación del día y la hora en que se había de someter dicha petición al Juzgado. El que no se haya visto la misma en el día señalado, por ausencia del Juez que presidía el Tribunal, no hacía necesaria una nueva notificación, tanto más cuanto que, en este caso—como una práctica seguida en el Juzgado—se había puesto en un sitio de sus estrados, destinado al efecto, un aviso—para conocimiento de las partes interesadas y de sus abogados—de que las mociones, que no fueron actuadas por dicho Juzgado en el día señalado, se llamarían el primer día de la siguiente sesión del mismo.

APELACIÓN contra dos órdenes del Juzgado de Primera Instancia de Camarines Sur. Alfonso, J.

Los hechos aparecen relacionados en la decisión del Tribunal.

D. Pablo C. Sibulo en representación de los apelantes.
Sres. Manly y Reyes en representación del apelado.

HORRILLEN, M.:

En virtud de la resolución del Tribunal de Apelación de fecha 30 de octubre de 1940, se ha elevado el presente asunto a esta Instancia, por no suscitarse en el mismo sino sólo cuestiones de derecho.

Discútese por los apelantes la legalidad de la orden del Juzgado de Primera Instancia de Camarines Sur, dictada el día 6 de mayo de 1939 en la que se ordenaba el sobreseimiento del asunto por no haberse perfeccionado la apelación interpuesta contra la sentencia del Juzgado de Paz de Minalabac, de la mencionada provincia de Camarines Sur; la legalidad del auto de fecha 2 de agosto del repetido año 1939, en el que dicho Juzgado de Primera Instancia desestimaba la moción de reconsideración de los autos de 6 de mayo y 14 de junio de 1939. Este último era denegatorio de la moción de reconsideración presentada por los apelantes el 10 de mayo del repetido año 1939.

En cuanto al auto de fecha 6 de mayo, fúndanse los apelantes, al argüirlo de nulo, en que no se les había notificado de la vista de la petición de sobreseimiento del asunto, presentada por el apelado. Esta alegación carece de méritos. En primer lugar, porque el auto de 6 de mayo de 1939 se fundaba en que el Tribunal *a quo* carecía de jurisdicción para conocer del asunto, por cuanto que la apelación interpuesta contra la sentencia del Juzgado de Paz del mencionado municipio de Minalabac, no estaba perfeccionada, punto este que los apelantes no plantean en su alegato. Casos, como el presente, que entrañan cuestión de jurisdicción, el Tribunal que conozca de ellos podrá, sin instancia de ninguna de las partes, *motu proprio*, sobreseerlos; y si no lo hace, puede ser compelido a hacerlo por medio de un recurso de *mandamus* (Layda *contra* Legaspi, 39 Jur. Fil., 89; Requepo *contra* Juez de Primera Instancia y Rosales, 21 Jur. Fil., 79). Y, en segundo lugar, copia de la petición de sobreseimiento se ha servido a los apelantes con notificación del día y la hora en que se había de someter dicha petición al Juzgado. El que no se haya visto la misma en el día señalado, por ausencia del Juez que presidía el Tribunal, no hacía necesaria una nueva notificación, tanto más cuanto que, en este caso—como una práctica seguida en el Juzgado—se había puesto en un sitio de sus estrados, destinado al efecto, un aviso—para conocimiento de las partes interesadas y de sus abogados—de que las mociones, que no fueron actuadas por dicho Juzgado en el día señalado, se llamarían el primer día de la siguiente sesión del mismo. (Abolencia *contra* Maaño, 5 Jur. Fil., 79.)

Con respecto a que el Tribunal *a quo* cometió error al no reconsiderar la orden de 14 de junio, así como la de 6 de mayo de 1939, los apelantes arguyen que, habiéndoseles concedido 15 días de plazo para presentar un informe en apoyo de la moción de reconsideración, ello equivalía a la reconsideración misma de las mencionadas órdenes. Tal teoría es, a nuestro juicio, absolutamente infundada. Es

obvio que el exigir la presentación de un informe en apoyo de cualquier escrito, no implica aceptación de su contenido por parte del Tribunal.

En méritos de todo lo expuesto, creemos que procede confirmar, como por la presente confirmamos las órdenes, objeto de recurso, con las costas a cargo de los apelantes. Así se ordena.

Avanceña, Pres., Díaz, Laurel, y Moran, MM., están conformes.

Se confirman las órdenes.

ANNUAL REPORT OF THE CLERK OF THE SUPREME COURT

MANILA, July 12, 1941

The Honorable
The SECRETARY OF JUSTICE
Manila

SIR:

In accordance with Section 132, Act 2711, in connection with the provisions of Commonwealth Act No. 373, I am submitting the following report of the business done by the Supreme Court for the period from July 1, 1940, to June 30, 1941:

Cases pending at the close of business, June 30, 1940:

| | | |
|----------------------|-----|-----|
| Original cases | 45 | |
| Civil | 221 | |
| Criminal | 62 | |
| | | 328 |

Cases filed during the period from July 1, 1940, to June 30, 1941:

| | | |
|----------------------|-----|-------|
| Original cases | 264 | |
| Civil | 464 | |
| Criminal | 129 | |
| | | 857 |
| | | 1,185 |

Cases certified to the:

| | | |
|----------------------------|---|-------|
| Court of Appeals | 4 | |
| Electoral Commission | 1 | |
| | | 5 |
| | | 1,180 |

Total (forward)

Cases disposed of:

Original cases:

| | | |
|-----------------|-----|-----|
| Granted | 41 | |
| Denied | 161 | |
| Dismissed | 91 | |
| | | 293 |

Civil:

| | | |
|-----------------|-----|-----|
| Reversed | 41 | |
| Affirmed | 171 | |
| Modified | 8 | |
| Dismissed | 150 | |
| | | 370 |

Criminal:

| | | | |
|-----------------|----|----|-----|
| Reversed | 12 | | |
| Affirmed | 41 | | |
| Modified | 26 | | |
| Dismissed | 14 | | |
| | | 93 | |
| | | | 756 |

Cases pending decision at the
close of business, June 30,
1941:

| | | | |
|--|-----|-----|--|
| Civil | | 6 | |
| Cases pending submission at the close of business, June 30, 1941: | | | |
| Original cases | 43 | | |
| Civil | 282 | | |
| Criminal | 93 | | |
| | | 418 | |

Total cases pending at the close
of business, June 30, 1941..... 424

Bar Examinations:

| | | | |
|---|-----|---|--|
| Candidates admitted without examination under Rule 4 governing bar examinations | | 4 | |
| Applicants admitted | 963 | | |
| Present | 943 | | |
| Absent | 20 | | |
| Passed | 672 | | |
| Failed | 271 | | |

Disbarment proceedings:

Complaints received during the
period from July 1, 1940, to June
30, 1941, against practising at-
torneys 68, of which 20 have al-
ready been disposed of. The
status of the remaining 48 are
as follows: 33 are with the Soli-
citor-General; 3 are with the
Judges of the Courts of First
Instance, all pending report and
recommendation; 5 pending in
this Court; and 5 are pending
answers by respondents.

There is also 1 complaint received
against the Second Division of
the Court of Appeals, which was
decided by this Court on February
12, 1941.

| | |
|--|------------|
| Notaries public appointed by the Supreme Court during the period from July 1 to December 31, 1940, whose commissions will expire on December 31, 1941 | 38 |
| Notaries public appointed by the Supreme Court during the period from January 1 to June 30, 1941, whose commissions will expire on December 31, 1942 | 644 |
| Fees, fines, court costs, bar examination fees and subscription to Supreme Court decisions collected during the said period from July 1, 1940, to June 30, 1941..... | P70,258.36 |

Very respectfully,

MANUEL M. DE HAZAÑAS
Clerk, Supreme Court

DECISIONS OF THE COURT OF APPEALS

[No. 6219. March 18, 1941]

C. S. SALMON, plaintiff and appellant, *vs.* RAFAEL ABENDAN, defendant and appellee.

1. INSURANCE; WHEN POLICY IS NOT A PERFECTED CONTRACT.—No. contract of insurance has been perfected where the policy issued to the applicant is not the kind he had applied for.
2. ID.; WHEN PREMIUMS PAID MAY BE RECOVERED.—When the policy issued to an applicant or prospect differs from that for which he applied, and within a reasonable time it is rejected, the applicant not only is liable for any portion of the premium, but he may recover any premium paid, or avoid liability to the insurer on a note or other obligation given by him therefor.
3. NEGOTIABLE INSTRUMENT; HOLDER IN DUE COURSE; KNOWLEDGE OF DEFECT OF INFIRMITY IN THE INSTRUMENT.—Actual knowledge of a defect or infirmity in an instrument on the part of the indorsee, although purchased by him for value and otherwise in good faith, will destroy the protection which the law affords to a holder in due course.

APPEAL from a judgment of the Court of First Instance of Manila. Vera, J.

The facts are stated in the opinion of the court.

Josue H. Gustilo for appellant.

Alfredo L. Noel for appellee.

BENGZON, J.:

On August 27, 1937, George Castro, an underwriter of the Insular Life Assurance Co., Ltd., persuaded Dr. Rafael Abendan of Surigao, Surigao, to sign an application for life insurance with said corporation. Abendan applied for a ₱10,000 "endowment-at-age-60" policy, with an annual premium of ₱450. (Exhibit 1-A.) In satisfaction of the first premium, Abendan signed the promissory note Exhibit A, with the amount in blank. Later, Castro filled the note for the amount of ₱551.20, indorsed it to C. S. Salmon, general agent of the Insular Life Assurance Co., who reportedly paid to said corporation ₱551.20 for the first annual premium of the policy upon the life of Dr. Abendan, Exhibit 3. Demands were subsequently made by Salmon for the face value of the note upon Abendan, whose failure to pay gave rise to this action in the Court of First Instance of Manila, which court, after trial, absolved him. Plaintiff appealed.

The defendant pleads, and the evidence shows, that his application for insurance had been disregarded by the home

office of the Insular Life Assurance Co., resulting in the issuance to him of a policy different from that he had applied for—different in that it was a 20-year endowment, not an endowment at age 60; that the annual premium was ₱551.20, not ₱450. It is of record that Abendan wrote to Castro, on November 28, 1937, the following letter (Exhibit 4):

"I have just recently arrived from Manila. *I was surprised to find that the policy which you have taken for me was not the one we have agreed upon, the retirement at 60.* However, I did not return directly the papers as I know that you have acted what you thought was best for all of us under the circumstances.

"In the first place, I wish to know *why the Company for which you are representing has rejected my desire to take the retirement at 60 policy.* I have a hunch that probably the Company thinks that I am a bad risk that long on account of my being a physician and is thus constantly exposed to diseases. However, that is not what I have in mind when I chose the retirement at 60 policy. It's because, for me, it's the most that I could afford to take and to pay, for beyond five hundred a year is heavy for me under the present circumstances. (Italics ours.)

"* * * * *

Castro replied on December 3 with a letter (Exhibit 6) explaining the reasons for, and the advantages of, the alterations.

But on January 11, 1938, Abendan wrote Castro as follows:

"In reply to your letter dated January 7 of this year, *I wish to reiterate that I am not willing to accept this insurance that you have taken for me in view of the fact that what I have applied for was an insurance endowment at 60 and not a twenty-year life policy which was taken without my knowledge and consent.*" (Italics ours. Exhibit 5.)

From these letters it is evident that no contract of insurance has been perfected, the policy issued to Abendan not being the kind he had applied for.

"One applying for insurance has a right to assume that a policy, if issued, will be in accordance with his application, and in the main it is the duty of the insurer so to write it. * * *. But if the policy contains any condition or extraordinary provision which is material or essential, and to which the applicant has not agreed, he may reject the policy; in fact, he should do so in order not to become bound thereby. * * *. And, as a general rule, if the insurer replies to the application by proposing different terms, or *by sending a policy differing in essential*

terms from that applied for, no contract is made until the counter proposition or policy has been accepted by the applicant, * * *. In such a case there is no contract, as the minds of the parties never met upon the terms. * * *.”

(1 Couch on Insurance, sec. 89; italics ours.)

“The premium is of the very essence of the contract, * * *. Thus, when a policy is issued to an applicant or prospect, subject to approval or for examination, as well as *where it differs from the one applied for*, and within a reasonable time it is rejected, the applicant not only is not liable for any portion of the premium, but he may recover back any premium paid, or *avoid liability to the insurer on a note or other obligation given by him therefor*. * * *.”

(3 Couch on Insurance, sec. 581; italics ours.)

The fact that Abendan did not return the policy can not be interpreted as a ratification of the action taken by the Insular Life in modifying the terms of his application, in accordance with clause 5 thereof¹ because, without unnecessary delay, he made known his unwillingness to accept a different kind of policy from the one he had solicited. (See Exhibit 5.)

It follows that the promissory note Exhibit A remains without consideration, and the maker can not be required to pay. (Fossum vs. Fernandez, 44 Phil., 713.)

It may not be successfully maintained that C. S. Salmon is a holder in due course, for the trial court said:

“* * *. Pero hay otra razón más por qué el Juzgado no puede conceder al demandante los beneficios de un tenedor de un documento negociable ‘in due course’; esa razón es la falta de haberse demostrado afirmativamente de que él fuera un comprador inocente o de buena fe del pagaré Exhíbito A. *El demandante sabía perfectamente que lo convenido con el demandado Dr. Abendan por medio de su agente subalterno Sr. George Castro, era un seguro ‘Endowment at 60’, por virtud del cual el asegurado Abendan pagaría ₱450 solamente. Al autorizar él el cambio esencial del contrato ya no obró de una manera legal y, por tanto, mal puede ser considerado como comprador inocente.*”

(Pp. 24-25, bill of exceptions; italics ours.)

He could not even be a *purchaser*, because Castro was his representative (Exhibit C) or sub-agent (p. 5, t. s. n.). And it requires no citation of authorities to show that if

¹ That clause reads: “My acceptance of any policy issued on this application will constitute a ratification by me of any corrections in or additions to this application made by the Company in the space provided ‘For Home Office Corrections or Additions Only.’ I agree that photographic copy of this application as corrected or added to shall constitute sufficient notice to me of the changes made.”

his agent can not recover, neither can he recover, the knowledge by one of the defect being imputable to the other.

"Actual knowledge of a defect or infirmity in an instrument on the part of the indorsee, although purchased by him for value and otherwise in good faith, will destroy the protection which the law affords to a holder in due course.

* * *. *Knowledge of the agent acting within the scope of his authority is notice to the principal.* (Ogden, Negotiable Instruments, 4th ed., p. 280, Sec. 163; italics ours.)

For these reasons, we believe the trial court did not err in absolving the defendant.

Judgment affirmed. Costs against appellant. So ordered.

Padilla, Lopez Vito, Tuason, and Reyes (A.), JJ., concur.
Judgment affirmed.

[No. 6651. March 22, 1941]

ESPERANZA POTOT, ETC., plaintiff and appellant, *vs.* ISIDRO YCONG, defendant and appellee

1. ACTION FOR SUPPORT AND DAMAGES; EVIDENCE; NATURAL CHILD; NECESSITY OF PROVING THAT CHILD IS AN ACKNOWLEDGED NATURAL CHILD.—In an action for support and damages, it devolves upon the plaintiff to establish facts that will entitle her to the relief prayed for. It is not enough for her to plead and prove that as a result of a cohabitation with the defendant, she bore him a child. She has to establish that her child—a natural child—was acknowledged by the defendant in the record of birth, in a will, or in some other public instrument, to be entitled for support from the defendant (art. 131, Civil Code).
2. ACTION TO COMPEL ACKNOWLEDGMENT; OBLIGATION TO SUPPORT; EVIDENCE; ABSENCE OF INDUBITABLE WRITING EXPRESSLY ACKNOWLEDGING THE CHILD; UNINTERRUPTED POSSESSION OF STATUS OF NATURAL CHILD, NOT JUSTIFIED BY THE CONDUCT OF THE ALLEGED FATHER OR HIS FAMILY.—Even if the action is deemed to be an action to compel acknowledgment, as provided in article 135 of the Civil Code, so that upon the finding by the court that the child must be acknowledged, the obligation to support on the part of the father arises as a matter of course, still the evidence adduced by the plaintiff fails to establish that there is an indubitable writing of the alleged father in which he expressly acknowledges as his child plaintiff's daughter, for the letter presented in evidence is not such writing; or that plaintiff's daughter has been in the uninterrupted possession of the status of a natural child of the defendant, justified by his conduct or that of his family, because plaintiff's testimony that the defendant's mother used to visit the child is not a conduct of defendant's family such as would confer upon plaintiff's daughter an uninterrupted possession of the status of a natural child.

APPEAL from a judgment of the Court of First Instance of Cebu. Natividad, J.

The facts are stated in the opinion of the court.

David P. Tumalak for appellant.

Gaudencio R. Juezan for appellee.

PADILLA, J.:

Plaintiff brings this action to require defendant to support her child allegedly begotten by him, to indemnify her for what she had spent for the support of the child and failed to earn as a result of her pregnancy, and to pay attorney's fees and costs.

For failure to answer defendant was adjudged in default, and plaintiff was allowed to present her evidence.

The evidence shows that from September 17, 1937, defendant and plaintiff lived together as husband and wife, until December 30, 1938, when he was summoned to undergo military training at Fort McKinley. She was then on the family way and gave birth to a child on January 19, 1939, who was christened Leonora Potot (Exhibit A; pp. 2-3, t. s. n.). After the period of training was over, defendant did not return to her house but went to live in his parents' house and married another girl in October, 1939 (pp. 3-5, t. s. n.). She used to sell vegetables in the public market and earn at least ₱15 a month, an occupation she had to give up from the day he came to live with her, and lost on that account the sum of ₱285. For the support of the child she had spent ₱10 every month (pp. 3-4, t. s. n.). He works with the Philippine Refining Co., Cebu, and earns ₱30 a month (p. 4, t. s. n.).

The court below absolved the defendant. Hence this appeal.

As the facts pleaded in the complaint do not warrant a judgment on the pleadings—defendant having failed to answer the complaint after his demurrer had been overruled (sec. 101, Code of Civil Procedure)—it devolves upon the plaintiff to establish facts that will entitle her to the relief prayed for. It is not enough for her to plead and prove that as a result of cohabitation with the defendant, she bore him a child. She has to establish that her child—a natural child in this case—was acknowledged by the defendant in the record of birth, in a will, or in some other public instrument, to be entitled to support from the defendant (art. 131, Civil Code). The documentary evidence presented in this case falls short of the legal requirement. In the record of birth of plaintiff's child, it appears that the father is unknown (Exhibit A). The letter marked Exhibit B, granting that it was written by defendant, is not the record of birth, a will, or a public instrument.

This is partly an action for support which takes for granted a voluntary acknowledgment of plaintiff's daughter by the defendant as his natural child (art. 131, Civil Code). But even if it be deemed to be an action to compel acknowledgment, as provided in article 135 of the same Code, so that upon the finding by the court that the child must be acknowledged, the obligation to support on the part of the father arises as a matter of course, still the evidence fails to establish that there is an indubitable writing of the defendant in which he expressly acknowledges as his child plaintiff's daughter, for the letter marked Exhibit B is not such writing; or that plaintiff's daughter has been in the uninterrupted possession of the status of a natural child of the defendant, justified by his conduct or that of his family, because plaintiff's testimony that defendant's mother used to visit the child (p. 3, t. s. n.) is not a conduct of defendant's family such as would confer upon plaintiff's daughter an uninterrupted possession of the status of a natural child.

If plaintiff's daughter could not be regarded as defendant's natural child in the eyes of the law, it would be inconsistent to award damages to plaintiff for what she had spent for the support of the child and failed to earn as a result of her pregnancy.

Judgment is affirmed, without costs.

Bengson, Lopez Vito, Tuason, and Reyes (A.), JJ., concur.

Judgment affirmed.

[No. 6709. April 9, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
LOPE CONTEMPLACION, ET AL., defendants. LOPE CON-
TEMPLACION, defendant and appellant.

CRIMINAL LAW; CIVIL LIABILITY; ACT NO. 3428; COMPENSATION; APPLICABILITY OF ACT NO. 3428 TO CRIMINAL CASES, DOUBTFUL.—The applicability of the provisions of Act No. 3428 to criminal cases is doubtful. In the first place, Act No. 3428 specifically limits its application to industrial employees. It implies a previous contractual relation between the injured party the payee, and the employer and payor. The injury must have been received in the course of the employment. Lastly, the act, section 39 (d), applies only to indemnity to be paid by an employer engaged in a trade, occupation or profession for purposes of gain, the gross income of which in the year immediately preceding the accident was not less than forty thousand pesos. Moreover, the criminal complaint in this case alleged only the sum of ₱300 as damages, without insinuating much less alleging the applicability of Act No. 3428, and the accused was not given

any opportunity to defend himself against any greater civil liability.

APPEAL from a judgment of the Court of First Instance of Tayabas. Magsalin, J.

The facts are stated in the opinion of the court.

German Boncan for appellant.

Assistant Solicitor-General Ibañez and *Acting Solicitor Brillantes* for appellee.

MONTEMAYOR, J.:

On September 29, 1938, Donato Calosa gave a party in his house in the barrio of Quinatihan, Candelaria, Tayabas to celebrate the baptism of his child. Anacleta Villanueva, sister of the offended party, Jorge Villanueva, acted as sponsor or godmother. Many people from the barrio attended the celebration including Jorge, his father, Filomeno Villanueva, his uncle, Fernando Felizmeno, and other relatives from the barrio of Pahingá. At about 4 o'clock in the afternoon the party began to break up and Jorge and his relatives bade goodby to their host and left. They had not gone far from the house when trouble arose between Jorge on one side and Donato Calosa and Lope Contemplacion on the other, which trouble culminated in Lope striking Jorge with a bolo, one blow entirely cutting and severing the four fingers of Jorge's right hand and another blow or other blows producing two wounds on his back and another on his left elbow. Jorge fell to the ground unconscious or completely disabled and he was taken to the *presidencia* of Candelaria, where first aid was administered to him. From there he was taken to the provincial hospital where he was confined until October 14, 1938, although the medical certificate Exhibit A issued by his doctor shows that the treatment continued until November 16 of the same year. Due to the loss of his four fingers, Jorge completely and permanently lost the use of his right hand. Because of the claim of the offended party that Donato Calosa had induced Lope Contemplacion to attack him, both Donato and Lope were charged with serious physical injuries in the Court of First Instance of Tayabas. After trial Donato Calosa was acquitted but Lope Contemplacion was convicted and sentenced to not less than 4 months and 1 day of *arresto mayor* and not more than 2 years, 4 months and 1 day of *prisión correccional*, to pay the offended party the sum of ₱300, with subsidiary imprisonment in case of insolvency, and to pay one-half of the costs. Lope has appealed from that decision.

The theory of the prosecution is that when Jorge and his relatives left the house of Donato, Elena, wife of Lope, was just beginning to sing and so Donato urged Jorge and his companions to stay a little longer, but that Jorge insisted in leaving; that this act and attitude of his made Lope furious and taking advantage of the moment when Donato was holding Jorge by the arm in order to detain him, Lope struck him with a bolo in the back; that Jorge turned around in order to face his assailant and as he saw another overhead blow by Lope directed at his neck, he raised his right hand toward it, as a result of which the bolo struck his hand completely cutting off his four fingers which fell to the ground; that Jorge started to run to avoid further punishment but Lope pursued him and struck him on the left elbow after which Jorge fell to the ground unconscious.

The theory of the defense however is that at the party of Donato, wine was served and that Jorge took some of it and was a little drunk; that when Jorge and his companions had left the house and were about 150 yards therefrom, Jorge began to make trouble striking with his bolo at everybody around him; that Donato came down from the house, followed by Lope to pacify him, but that instead of being pacified, he defied and challenged Donato and struck at him with his bolo; that Donato jumped back in time to dodge the blow and Lope stepped forward to intervene and he pulled Donato aside and out of danger, and that as Jorge struck at both of them for the second time, Lope grabbed the bolo of Donato from the latter's waist and with it struck at the hand of Jorge that held the bolo hitting the fingers that grasped the handle and completely severing them from the hand; that Jorge with his left hand tried to pull out his revolver, an unlicensed *paltik* from his left pant pocket and seeing this, Lope struck at him with another blow producing the wounds on his left elbow and on his back; that Jorge tried to run but because of the loss of blood he collapsed and fell to the ground; that it was Donato Calosa himself who furnished the hammock or stretcher in which Jorge was carried to the main road from where he was taken to the municipal building in a calesa; that from the conversation between Jorge and his father and uncle who accompanied him, overheard by the calesa driver or *cochero*, Jorge was being reproached for his treachery that caused all the trouble and that Jorge admitted having attacked Donato and then he inquired about the whereabouts of his revolver.

After a careful study of the evidence, we agree with the trial court that the aggression on Jorge took place in the manner described by the prosecution, and that furthermore Jorge neither used a bolo nor tried to use a revolver on that occasion. There are various reasons why we cannot accept the theory of the defense. The witnesses for the appellant incurred in serious and material contradictions. They gave conflicting descriptions of the alleged fight between Jorge and Lope and the supposed bolo blows delivered by them. During the trial, said witnesses were asked by the court to graphically illustrate the position of the parties and the bolo blows delivered. Some of them claim that Jorge struck an overhead blow, downward almost vertical; while others claim that it was a backhand blow from left to right, horizontal or a little upward. One defense witness even claims that Jorge struck with his left hand. The trial court found them unworthy of credit. We entertained the same opinion.

If it were true that Jorge really used a bolo on that occasion and that his fingers were cut off as they grasped the handle of his bolo, there was no explanation why said weapon was never exhibited at the trial nor accounted for by the defense. Surely, a blow that was strong enough to completely sever the fingers gripping the handle of the bolo would produce a cut, mark or notch on the handle, which would have been an important evidence. Again, if the revolver said to have been carried by Jorge was unlicensed it was not likely that he would fire or discharge the same in the house of Donato and during the celebration, in the presence of numerous people, for fear that it would reach the attention of the authorities and he would be prosecuted for illegal possession of firearms. Furthermore, according to the defense, Jorge must have been righthanded as he was said to have held his bolo with that hand, and yet according to the same defense, Jorge was keeping his revolver in his left pant pocket, which is quite unnatural and inconvenient for instant use. Besides, the said revolver was never shown or accounted for by the defense.

As to the testimony of the *cochero*, Zacarias Africa, it is so improbable that it does not merit any serious consideration. It was far from likely that Jorge and his father and uncle would, within the hearing of another person whom they did not know, discuss the incident, specially when they were supposed to be tacitly admitting the fault and responsibility of one of them. And it was far less likely that Jorge who had lost four fingers and whose hand

was bleeding profusely, to say nothing of the wounds on his back and his left elbow and who had collapsed presumably because of the loss of blood and had to be carried in a stretcher would be in such a happy mood and care-free as to sing gaily the tune of the *fandango* which was played during the celebration. We simply cannot believe the story of Africa.

The motive for the aggression is not far to seek. Lope, evidently resented the insistence of Jorge in leaving while Lope's wife was singing for the guests, which departure even under ordinary circumstances, shows lack of courtesy and consideration, and is embarrassing to the singer, but which in the present case, Lope apparently regarded as an affront and an insult to his wife. This is reinforced by the efforts made by the host Donato in trying to persuade Jorge to remain a little while longer presumably to save his guests, Lope and Elena from embarrassment. Under the circumstances, we are willing to consider in favor of the appellant, the presence of obfuscation.

The Solicitor-General suggests that, instead of ordering that the offended party be indemnified in the sum of ₱300, it would be more just to apply the provisions of Act No. 3428 and award compensation in the manner and at the rate scientifically provided for in said law. We entertain doubts as to the applicability of the said law to criminal cases. In the first place, Act No. 3428 specifically limits its application to industrial employees. It implies a previous contractual relation between the injured party the payee, and the employer and payor. The injury must have been received in the course of the employment. Lastly, the act, sec. 39 (d), applies only to indemnity to be paid by an employer engaged in a trade, occupation or profession for purposes of gain, the gross income of which in the year immediately preceding the accident was not less than forty thousand pesos. Moreover, the criminal complaint in this case alleged only the sum of ₱300 as damages, without insinuating much less alleging the applicability of Act No. 3428, and the appellant was not given any opportunity to defend himself against any greater civil liability.

Finding no reversible error in the decision appealed from the same is hereby affirmed, with costs against the appellant. So ordered.

Paras, Pres. J., Imperial, Hontiveros, and Torres, JJ., concur.

Judgment affirmed.

[No. 6635. April 14, 1941]

PE CHUACO & COMPANY, plaintiff and appellee, *vs.* K. MATSUKI, ETC., defendant and appellant.

1. PARTNERSHIPS; LIABILITY OF SUCCEEDING FIRM FOR DEBTS OF THE OLD FIRM; NON-LIABILITY AS A GENERAL RULE; EXPRESS AND IMPLIED ASSUMPTION OF LIABILITY.—As a general rule a new firm is not liable for the debts of the old firm which it succeeded. (47 C. J., 1028.) But the new firm renders itself liable for the old firm's existing obligations when there is evidence that it assumed the burden. (47 C. J., 1028; *Aboitiz vs. Oquiñena & Co. and Oquiñena & Co. Ltd.*, 39 Phil., 926.) And an express undertaking to assume the old firm debts need not be shown; an agreement assuming liability may be implied. (47 C. J., 1028; 20 R. C. L., 985.)

2. *Id.*; EXPRESS AND IMPLIED ASSUMPTION OF LIABILITY, WHEN BOTH EXIST; CASE AT BAR.—In the case at bar there is both express and implied assumption of liability. The implied assumption may be gathered from these facts: The new owner, without notifying the creditor of the purchase of the firm, kept ordering goods and making remittances under the old arrangements. The accounts of the firm when it still belonged to its former owner and its accounts after it was bought by the present owner were mingled, the balance of the old accounts having been carried forward and the new remittances applied thereto. The evidence of express assumption consists of the testimony of the manager of the old firm, who testified for the new owner. The remittances made by the firm after its purchase by the new owner exceeded the value of the goods it ordered by ₱813.36, and this excess was applied to the debt of the former owner. Explaining why this was done, said witness stated that the new owner was requested by the former owner and later by the latter's widow to pay said indebtedness.

APPEAL from a judgment of the Court of First Instance of Manila. Abeto, J.

The facts are stated in the opinion of the court.

Sandoval & Tiangco for appellant.

No appearance for appellee.

TUAZON, J.:

This is an appeal from a decision of the Court of First Instance of Manila sentencing defendant to pay plaintiff the sum of ₱1,082.42, plus 10% interest per annum from the date that obligation became due, and costs.

It appears that Y. Minakawa conducted business in Puerto Princesa, Palawan, under the name and style of "Y. M. Store" and under the management of K. Hara. In 1926 or 1927 the "Y. M. Store" opened a current account with plaintiff, Pe Chuaco & Company, a business house having its general office in Manila, in accordance with which the "Y. M. Store" bought goods and merchandise from plaintiff on credit. On January 29, 1934, Minakawa sold out his business for ₱20,000, including all its stock, assets and good will, to K. Matsuki, the present defendant,

who had been Minakawa's chauffeur. Of this sale plaintiff had no knowledge, and after the change of its ownership, the "Y. M. Store" continued under the same management and continued doing business with Pe Chuaco & Company under the same terms. From the time defendant acquired the "Y. M. Store" up to the date of the bringing of this action the merchandise it ordered amounted to ₱5,811.53 in value and it made remittances totalling ₱6,624.89, the difference having been credited to the old accounts.

The sole question presented in this appeal is whether defendant is bound to pay Y. Minakawa's debt. The lower court resolved this question in the affirmative, on the theory that both the "Y. M. Store" and its good will were sold, and that good will, so his Honor opined, includes the credits and the debts and other liabilities of the enterprise. We agree with the trial court's conclusion, but we put our decision on a different ground.

As a general rule a new firm is not liable for the debts of the old firm which it succeeded. (47 C. J., 1028.) But the new firm renders itself liable for the old firm's existing obligations when there is evidence that it assumed the burden. (47 C.J., 1028; *Aboitiz vs. Oquiñena & Co.* and *Oquiñena & Co. Ltd.*, 39 Phil., 926.) And an express undertaking to assume the old firm debts need not be shown; an agreement assuming liability may be implied. (47 C. J., 1028; 20 R. C. L., 985.)

In the present case, there is both express and implied assumption. The implied assumption may be gathered from these facts: Defendant, without notifying plaintiff of the purchase of the "Y. M. Store", kept ordering goods and making remittances under the old arrangements. The accounts of the "Y. M. Store" when it still belonged to Y. Minakawa and its accounts after it was bought by defendant were mingled, the balance of the old accounts having been carried forward and the new remittances applied thereto.

The evidence of express assumption consists of the testimony of K. Hara himself, who testified for defendant. It has been seen that the remittances made by the "Y. M. Store" after its purchase by defendant exceeded the value of the goods it ordered by ₱813.36, and that the excess was applied to the debt of Y. Minakawa. Explaining why this was done, K. Hara stated that Matsuki was requested by Minakawa and later by Minakawa's widow to pay Minakawa's indebtedness to Pe Chuaco & Company.

The cases and authorities we have cited refer to partnerships, but there is no difference between them and the instant case in the principle which underlies the rule there announced.

Apart from all that, defendant is estopped by his conduct or laches from denying liability for Y. Minakawa's debt. By defendant's conduct and long silence plaintiff was led to believe that it was dealing with Minakawa and was prevented from taking action against the latter when it was still possible to inquire into the bona fides of the assignment; for there is insinuation to the effect that the assignment was made in fraud of the consignor's creditors.

The appeal will therefore be affirmed, with costs against the appellant.

Paras, Pres. J., Bengzon and Reyes (A.), JJ., concur.

Judgment affirmed.

[No. 6741. April 18, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
DOMINGO BELEN, defendant and appellant.

1. ILLEGAL POSSESSION OF FIREARMS; EVIDENCE; NEGATIVE AVERMENTS IN THE INFORMATION; BURDEN OF PROOF.—In cases of illegal possession of firearms, the burden of proof as to the negative averment in the information to the effect that the accused possesses the firearms without the corresponding license is on the defense. It is the accused who is called upon to prove that he possesses the license.
2. *Id.*; *Id.*; *Id.*; *Id.*; LICENSE; HOLDING OF SAME AS DEFENSE.—“A license is a special privilege, specially granted, and if the party holding the same relies upon it as a defense, the burden is upon him to show that such special privilege or license was given.” (U. S. *vs.* Rubio Co-Pingco, 10 Phil., 66.) In other words, the fact relied upon by the accused as a justification or excuse being one that is related to him personally or otherwise within his peculiar knowledge, “the general rule is that the burden of proof as to such averment or fact” is on the accused (U. S. *vs.* De la Torre, 42 Phil., 62).

APPEAL from a judgment of the Court of First Instance of Laguna. Abad Santos, J.

The facts are stated in the opinion of the court.

Estanislao Alinea for appellant.

Assistant Solicitor-General Mañalac and *Solicitor Avanceña* for appellee.

TORRES, J.:

In the Court of First Instance of Laguna, Domingo Belen was charged, in criminal case No. 12131, with illegal possession of firearm, and, in criminal case No. 12132, with attempted rape. He pleaded not guilty to both charges and, by agreement of the parties, the two cases were jointly tried and the Court rendered a single decision whereby Domingo Belen was found guilty in case No. 12131 for

illegal possession of firearm and was sentenced to forty-five (45) days of imprisonment and to pay the costs; while in case No. 12132, for attempted rape, he was acquitted with the costs *de officio*. He appealed from the judgment of conviction in the first case.

In the brief filed in this Court on behalf of this accused, three errors are assigned by appellant, who contends that the lower Court erred in not acquitting the accused, inasmuch as the prosecution has failed to prove that the revolver and cartridges presented as exhibits of the prosecution were unlicensed and, furthermore, that the sole testimony of the chief of police, coupled with the rejected testimony of the offended party, Felicisima Alimon, did not sustain the charge for which Domingo Belen was convicted by the Court of First Instance of Laguna.

As already stated, this appellant was accused of having attempted to commit the crime of rape on the person of Felicisima Alimon. The Court, however, having discovered fatal inconsistencies and contradictions in her testimony when she described the acts which, according to her, were performed by the accused in his alleged attempt to outrage her, rejected her testimony as unbelievable and, accordingly, acquitted this appellant of said charge. However, as regards the case for illegal possession of a firearm and ammunition, the lower court, basing its findings on the testimony of the chief of police of San Pablo, to the effect that the accused had confessed to him that the revolver (Exhibit A) was his and that he had no license therefor, convicted Domingo Belen as aforesaid.

It appears from our study of the evidence of record that the revolver in question was found in the hands of Lorenzo Alimon, the father of Felicisima Alimon, by municipal policeman Anacleto Manalo, who was summoned to the house of the offended party soon after the alleged attempted rape was committed, and Zacarias Cartabio, barrio lieutenant, who came to the house before policeman Manalo, did not investigate the affair and merely told Lorenzo and his daughter that he was going to call a policeman, and immediately left the house for that purpose, but Lorenzo did not have time to explain to the barrio lieutenant and policeman Manalo the details of the incident, particularly as to why the revolver (Exhibit A) was in his hands after having wrested it from those of the accused, Domingo Belen. Nevertheless, it is a fact that this accused was taken by policeman Manalo to the municipal building and the chief of police conducted an investigation, during which this appellant admitted that the revolver (Exhibit A) really belonged to him.

The above-named admission made by the defendant, which was the subject-matter of the testimony of the chief of police, in addition to the other circumstances surrounding this case, led to the conviction of this appellant of the charge of illegal possession of a firearm, in violation of Section 878 of the Revised Administrative Code, in connection with Section 2692 thereof, as amended by Commonwealth Act No. 56.

In our opinion the judgment of conviction rendered by the Court of First Instance should be upheld, because the charge filed against this appellant is for illegal possession of a firearm, and although as a general proposition and pursuant to the provisions of our Law of Criminal Procedure and the Rules of Evidence, it is incumbent upon the prosecution to prove the charge filed by it against the accused, in this particular case this appellant, by means of a negative averment in the information, has been accused of having in his possession and under his control one revolver Colt of Cal. 38 with six rounds of ammunition, without the corresponding license to possess the same. As held by the Supreme Court in *U. S. vs. Rubio Co-Pingco* (10 Phil., 66), "a license is a special privilege, specially granted, and if the party holding the same relies upon it as a defense, the burden is upon him to show that such special privilege or license was given." In other words, the fact relied upon by the defendant as a *justification* or *excuse* being one that is related to him personally or otherwise within his peculiar knowledge, "the general rule is that the burden of proof as to such averment or fact" is on the defendant (*U. S. vs. De la Torre*, 42 Phil., 62). A person who has been licensed to possess a firearm under the above-named provision of the Revised Administrative Code is required to carry about his person the license so granted him and to exhibit the same to any official or officer of the law mentioned in Section 898 of said Code when so demanded. This the defendant did not, nor could not, do, because he did not have such license; moreover, if Domingo Belen was really the legal possessor of Exhibit A and the accompanying ammunition, under Section 897 of the Revised Administrative Code, it was his duty to present said revolver together with the corresponding license—if he really had any—to the proper Constabulary authority for inspection and verification and for notation of such fact on the license.

Moreover, as regards the contention of the defense, that said firearm belonged to Lorenzo Alimon, we believe that the same and the proofs presented in support thereof are untenable, because we must not lose sight of the fact that

the trial judge became satisfied that Felicísima Alimon and Domingo Belen had been maintaining illicit relations, contrary to the wishes of Lorenzo Alimon, father of Felicísima; and, in fact, the evidence also shows that Lorenzo Alimon had expressly forbidden this accused from seeing his daughter, and under those circumstances it is natural that on the night in question when he had an appointment with Felicísima, and knowing the attitude of Lorenzo Alimon towards him, he should have carried said revolver (Exhibit A) by way of protection of his person.

In view of all the foregoing, and inasmuch as we find that the sentence of the lower Court is in accordance with the law and the evidence, we hereby affirm the same, with costs against the appellant. So ordered.

Paras, Pres. J., Imperial, Hontiveros, and Montemayor, JJ., concur.

Judgment affirmed.

[No. 6076. April 22, 1941]

MARIANO YENKO, plaintiff and appellee, *vs.* MARCIANA PALANCA, defendant and appellant.

INTEREST; WHEN IT BEGINS TO RUN.—Where a contract provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the contract.

APPEAL from a judgment of the Court of First Instance of Manila. Locsin (A.), J.

The facts are stated in the opinion of the court.

Damasceno Santos for appellant.

Marciano Sayoc for appellee.

REYES (A.), J.:

This is an action on the following promissory note executed by defendant Marciana Palanca before her marriage to her co-defendant Apolinario A. Santos:

“MANILA, I. F., marzo 14 de 1928

“Pagaré a la orden del Sr. Mariano Yenko o al portador la suma de diez mil pesos (P10,000) en o antes del día 15 de agosto de 1938, con intereses de 8 por ciento anual, en su residencia aquí en Manila o en su oficina en la calle Dasmariñas 104, por consideración recibida, y además, queda convenido que dicho Sr. Yenko podrá continuar en la casa donde actualmente reside calle Felix Huertas No. 1057 hasta el 30 de mes próximo de abril del presente año, sin pago de alquiler y que los alquileres de las accesorias

correspondientes al 1.º de marzo de 1928 y los correspondientes al chalet desde el mayo del mismo año me corresponderán a mí.

"MARCIANA PALANCA
"1360 Gral. Luna
"Manila

"Testigos:

(Fdos.) CARMEN DE LA VIÑA
VICENTE BAUTISTA"

The defense is that payment of said promissory note was made subject to a suspensive condition which was never fulfilled; that the note was without sufficient consideration; and that action on the same was barred by plaintiff's laches and by prescription. After trial, the lower court rendered judgment against defendant Marciana Palanca and in favor of plaintiff for the amount of the promissory note, stipulated interest, and costs of suit. From this judgment, defendant has appealed.

We gather from the evidence that the promissory note in question was given for the unpaid balance of the purchase price of realty sold by appellee to appellant. Appellant contends that there was no consideration for the note because according to a certain deed presented in evidence the properties sold to her belonged to appellee's wife and not to appellee himself. But the contention is unfounded, because, as appellee has explained, the property for which the note was given was registered in his name, while the sale made by his wife to appellant was an entirely different transaction, and this explanation is borne out by the fact that the property sold by appellee and mentioned in the note is located at 1057 Felix Huertas, whereas those appearing in the deed referred to as having been sold by the appellee's wife to appellant bear numbers 1083 Felix Huertas street and 430, 432, 438 and 440 Zurbaran street.

The defense of prescription is frivolous, the same being predicated on the erroneous supposition that appellee's cause of action accrued on March 14, 1928, when the promissory note was made, though the note was not to mature until August 15 of that year so that payment was not demandable before this latter date.

Equally untenable is the defense of laches. The evidence shows that at various times since the maturity of the note appellee made an effort to obtain payment on it. At first appellant denied having ever received any letter of demand from appellee, but had to change her testimony when confronted with a copy of one of such letters upon which she

had signed an acknowledgement of receipt of the original.

The claim that the stipulated interest of 8 per cent per annum should run from the maturity instead of from the date of the note, finds no support in law or in the provisions of the instrument itself. "The rule is universally recognized that a contract to pay a certain sum with interest means interest is to run from the date of the contract" (Sec. 17 [b], Act No. 2031; *Graham vs. Burgies*, 78, S. C. 404, 408, 59 SE 29; 33 C. J. 232, and numerous cases cited therein).

There being no merit in the appeal, the judgment below is affirmed, with costs against the appellant. It is so ordered.

Paras, Pres. J., Bengzon, and Tuason, JJ., concur.

Judgment affirmed.

[No. 6495. April 25, 1941]

FRANCISCO ROSARIO, ET AL., plaintiffs and appellees, *vs.* ANTONINO DE LEON, ET AL., defendants and appellants.

1. PLEADING AND PRACTICE; POSTPONEMENTS JEOPARDIZING PARTY'S INTERESTS; COURTS, THEIR DUTIES; UNCLOGGING OF COURT DOCKETS IS AS MUCH A CONCERN OF APPELLATE COURTS AS OF TRIAL COURTS.—In granting five postponements, the trial judge was over-liberal already, and to have allowed another postponement would have been to jeopardize the other party's interests. Obviously, courts cannot unduly protect the interests of one party to the detriment of the other. Already there are complaints regarding delays in the disposition of court cases. The unclogging of our court dockets still remains a pressing problem to the despair of many a litigant. How to eliminate, at least minimize, these delays is as much our concern and any act of trial courts conducive towards this purposeful end will be encouraged by appellate courts.
2. ID.; "RES JUDICATA"; ITS OPERATION CANNOT BE ARRESTED BY EMOTIONALLY INVOKING JUSTICE AND EQUITY.—The principle of *res judicata* is a vital and salutary principle in all litigations. Its operation cannot be arrested by emotionally invoking justice and equity. Litigations must end somewhere or litigants will have no tranquility. On the same legal issue a losing party should not be allowed to repeatedly harass and annoy his opponent. Otherwise, individual rights would have no stability and court adjudications would be devoid of authoritative dignity.

APPEAL from a judgment of the Court of First Instance of Ilocos Sur. Bautista, J.

The facts are stated in the opinion of the court.

Marcos A. Vega for appellants.

Lazaro Abigania for appellees.

MELENCIO, J.:

This is an action to recover a parcel of land with a house thereon, and one-fifth of another piece of land, together with improvements, more specifically described in the complaint.

The case is an aftermath of Civil Case No. 3226 of the Court of First Instance of Ilocos Sur between the same parties. In that case defendants-appellants herein executed a promissory note for ₱650 in favor of plaintiffs-appellees, which appellants failed to pay when due. Appellees sued to recover the amount and after trial in which appellants interposed the defense of usury, the trial court held for appellees. No appeal was taken, the decision became final, order of execution was issued (Exhibit 3), and the properties which were preliminarily attached (Exhibits A, B and C) were sold at public auction. Plaintiffs were the highest bidders and the sale in their favor was approved by the court (Exhibits F, G and M). Defendants failed to redeem the properties within the legal period. Notwithstanding repeated demands, however, defendants refused to surrender the properties to plaintiffs. Hence, this subsequent action before us in which the trial court declared plaintiffs the absolute owners and ordered defendants to deliver possession of the properties to plaintiffs and to pay the costs. No award for rents was made, the evidence as to its amount being deficient.

In this instance defendants-appellants allege the following errors:

"I. The trial court erred in depriving the defendants-appellants of their days in court by not allowing the postponement of the trial of the case as prayed by said defendants.

"II. The trial court erred in not giving opportunity to the defendants-appellants to defend themselves by counsel and virtually were denied free access to the courts by reason of poverty.

"III. The trial court erred in not allowing the defense of usury.

"IV. The trial court erred in not taking into consideration the principles of equity and social justice as guaranteed to every Filipino citizen by the Constitution of the Philippines."

The first assignment of error cannot possibly be sustained. The record reveals that the trial of the case was postponed *five times* at the instance of appellants themselves, and for this reason the trial was delayed for more than *one year and three months*. In granting these several postponements, the trial judge was over-liberal already, and to have allowed another postponement would have

been to jeopardize plaintiffs' interests. Obviously, courts cannot unduly protect the interests of one party to the detriment of the other. Already there are complaints regarding delays in the disposition of court cases. The unclogging of our court dockets still remains a pressing problem to the despair of many a litigant. How to eliminate, at least minimize, these delays is as much our concern and any act of trial courts conducive towards this purposeful end will be encouraged by appellate courts.

As to the second alleged error, we note that since the inception of this case, appellants were represented by counsel. Their own lawyer was the one who asked for the several continuances. Just why he did not appear at the trial is not explained in the record. But there is no reason, other than their own negligence, why appellants could not have been represented by counsel at the trial. If their attorney of record was unavailable, appellants, with the exercise of reasonable diligence, could have employed another. To invoke at this stage of the proceedings the constitutional guarantee of free access to the courts is only to accentuate their neglect. Besides, there is no showing that they are indigent.

The last two assignments of error must also be rejected. Assuming that the defense of usury has a semblance of validity, it cannot now be entertained for the reason that the same defense was decided once and for all in Civil Case No. 3226 between the same parties litigating over the same subject matter. Were we to reopen the issue now, there would be no end to litigations and we would be nullifying a judgment that has long ago become final. The principle of *res judicata* is a vital and salutary principle in all litigations. Its operation cannot be arrested by emotionally invoking justice and equity. Litigations must end somewhere or litigants will have no tranquility. On the same legal issue a losing party should not be allowed to repeatedly harass and annoy his opponent. Otherwise, individual rights would have no stability and court adjudications would be devoid of authoritative dignity.

"The doctrine of *res judicata* may be said to inhere in the legal systems of all civilized nations as an obvious rule of expediency, justice, and public tranquility. Public policy and the interest of all litigants alike require that there be an end to litigations which, without the doctrine of *res judicata*, would be endless. The doctrine of *res judicata* rests upon the ground that the party to be affected, or some other with whom he is in privity, has litigated, or had an opportunity to litigate, the same matter in a former action in a court of competent jurisdiction, and

should not be permitted to litigate it again to the harassment and vexation of his opponent. The doctrine of *res judicata* not only puts an end to strife, but produces certainty as to individual rights and gives dignity and respect to judicial proceedings. It is considered that a judgment presents evidence of the facts of so high a nature that nothing which could be proved by evidence *aliunde* would be sufficient to overcome it; and therefore it would be useless for a party against whom it can be properly applied to adduce any such evidence, and accordingly he is estopped or precluded by law from doing so. (30 Am. Jur., sec. 165, pp. 910-912.)

We affirm the judgment of the lower court with costs against appellants.

Albert and Padilla, JJ., concur.

Judgment affirmed.

[No. 7133. April 25, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
TEOTIMO OLEFERNES, defendant and appellant.

CRIMINAL LAW; HOMICIDE WITH SERIOUS PHYSICAL INJURIES THROUGH RECKLESS IMPRUDENCE; DEATH AND INJURIES RESULTING FROM FAST DRIVING AND OVERLOADING; ALLOWING PASSENGERS TO STAND ON RUNNING BOARD OF CAR, VIOLATION OF REVISED MOTOR VEHICLE LAW, SECTION 67, PARAGRAPH (d).—A person is guilty of homicide with serious physical injuries through reckless imprudence, where, by his own recklessness and unreasonably fast driving and by carrying a number of passengers in excess of that permitted by law and regulations, his car collided with another as a result of which a passenger dies and another is seriously injured; and, further, by permitting two of said passengers to stand on the right running board of his car, he violates the provisions of Section 67, paragraph (d), of the Revised Motor Vehicle Law.

APPEAL from a judgment of the Court of First Instance of Masbate. Rivera, J.

The facts are stated in the opinion of the court.

Sabido & Laurel, jr., for appellant.

Solicitor-General Ozaeta and *Acting Solicitor De Leon* for appellee.

TORRES, J.:

Teotimo Olefernes was accused, jointly with Geronimo Francia, of homicide with serious physical injuries through reckless imprudence. Both pleaded not guilty when arraigned before the Court of First Instance of Masbate, and after trial said court rendered judgment acquitting Gero-

nimo Francia of said charge and finding Teotimo Olefernes guilty of the same and sentenced him to an indeterminate penalty of a minimum of two (2) years and four (4) months to a maximum of six (6) years of *prisión correccional*, to indemnify the heirs of Juan Clores in the sum of ₱2,000 and Marcelo Zafra in the sum of ₱100, with the corresponding subsidiary imprisonment in case of insolvency which shall not, however, exceed one-third of the principal penalty, with the corresponding accessories, and to pay one-half of the costs.

From said judgment, the defendant Olefernes has appealed and in the brief filed in his behalf he has assigned two errors which concern the question of the weighing of the evidence and the credibility of the witnesses by whose testimony he was convicted by the lower court.

From our study of the evidence, we gather that on June 4, 1939, at about 4 o'clock in the afternoon, this appellant was driving a private five-passenger automobile with license plate No. 28-157, from Dimasalang to Uson, Masbate. Said automobile was carrying 14 passengers, of whom 8 were adults and 6 were children, for which reason, due to overcrowding, 2 of the passengers, named Juan Clores and Marcelo Zafra, were riding on the right running board close to the driver, the herein appellant Olefernes. As his automobile reached a sharp curve in the winding road connecting the towns of Dimasalang and Uson, said motor vehicle occupied the right side of the road. At that moment another car, No. 28-148, driven by the other defendant, Geronimo Francia, came from the opposite direction, the two automobiles collided and Marcelo Zafra and Juan Clores, who, as already stated, were standing on the right running board of Olefernes' car, were thrown off the vehicle. As a result of the accident, Clores was mortally injured and died a few hours later, because, according to Exhibit B, he received so many injuries, of which those described under numbers 11, 12, 13 and 14 were fatal, that due to hemorrhage, it became impossible for the victim to survive; while the other victim, Marcelo Zafra, received such injuries and fractures which required medical attendance for about forty (40) days and incapacitated him from his usual labor for an equal period of time.

It is claimed by the defense that the trial court erred in finding that the collision between the two automobiles took place on the right side of the road, going to Uson, because it is not supported by the evidence; but, upon examination of Exhibit 1 of the defendant Francia, which is a diagram showing the exact location of the two automobiles before and after the accident and which was

prepared by the chief of police Fidel Mecinas of Dimasalang, soon after the investigation conducted by him at the scene of the accident less than half an hour after it occurred, we became satisfied that such finding of the court, far from being erroneous, is based on the evidence of record. Moreover, it has been shown that when the accident occurred, Olefernes' car, instead of occupying its proper lane of the road, went to the wrong or right side of said road, which belongs to the car driven by Francia, coming from the opposite direction. Under those circumstances, the collision between the two cars was the only logical effect of the disregard on the part of this appellant, Olefernes, of the rule of the road. The lower court is criticised for having given too much weight to the sketch (Exhibit I—Francia) prepared by chief of police Mecinas, but, as explained by this witness, said sketch was prepared by him after having examined the road on the particular portion where the accident took place, which showed the tracks or impressions made thereon by the rubber tires of the two automobiles.

The appellant also claims that it is not true that the victims, Juan Clores and Marcelo Zafra, were riding on the right running board of the automobile driven by him, but the evidence clearly shows that Juan Clores was riding on the right running board, holding the post near the steering wheel, and Marcelo Zafra was standing right behind him; and such being the case, it is unbelievable that this appellant could be ignorant of the fact that two of his passengers were riding on the right running board very close to him; and this fact becomes more noticeable since, according to the evidence, the vehicle was so crowded inside that other passengers were also standing on the left running board. This shows in bold relief that this defendant has violated the provisions of the Revised Motor Vehicle Law, which limits the carrying capacity of motor vehicles whether carrying passengers or freight (sub-section 3 of section 13, and Sub-section (a) of Section 41, of the Revised Motor Vehicle Law). The provisions of the said sections as to the carrying capacity of a motor vehicle are so plain and clear that there is no need of any interpretation as to the meaning of the same, and it appearing that the motor vehicle driven by this appellant was registered to carry 5 passengers only, it is evident that at the moment of the accident he exceeded the carrying capacity of his automobile by 9 passengers.

It is suggested that by application of the rule contained in Administrative Order No. 39 of the Director of Public Works, the carrying capacity of a 5-passenger automobile

may be increased by two additional seats upon payment of the corresponding registration fee, by changing the classification of the same from class A to class B. But even admitting, for the sake of argument, that the classification of said automobile had been changed from class A to class B, to permit the carrying of two additional passengers, yet it is nonetheless evident that the number of passengers carried by said car at the moment of the collision with the car driven by defendant Francia, exceeded by 7 passengers. How this appellant was able to drive his car which was so overcrowded, is a thing that he only could explain, and, in our opinion, the collision with the other car would not have been so disastrous as to result in the death of one of the passengers and in serious physical injuries to another, had not this appellant permitted the two victims to stand on the right running board, due to overcrowding of the vehicle.

In view of all the foregoing, we conclude with the lower court and the Solicitor General that this appellant is guilty of the criminal charge filed against him, because he has, by his own recklessness and unreasonably fast driving and by carrying a number of passengers in excess of that permitted by law and regulations and, further, by permitting two of said passengers to stand on the right running board, he had violated the provisions of Section 67, paragraph (d), of the Revised Motor Vehicle Law.

With the sole modification that the phrase *prisión correccional* be eliminated from the dispositive part of the judgment appealed from, we hereby affirm the same, with costs. So ordered.

Paras, Pres. J., Imperial, Hontiveros, and Montemayor, JJ., concur.

Judgment modified.

[No. 7183. April 25, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
FLORENTINO VILLAMORA, defendant and appellant.

CRIMINAL LAW; PENALTY; DOUBLE HOMICIDE WITH VARIOUS SERIOUS PHYSICAL INJURIES THROUGH RECKLESS IMPRUDENCE CHARGED IN ONE INFORMATION; ONLY ONE PENALTY SHOULD BE IMPOSED.— Although two deaths and several serious physical injuries have resulted from the single act performed by the accused, since one single information charging him with double homicide with various serious physical injuries through reckless imprudence has been filed in the premises, only one penalty should be imposed upon him.

APPEAL from a judgment of the Court of First Instance of Leyte. Natividad, J.

The facts are stated in the opinion of the court.

Demetrio, Abiera & Demetrio for appellant.

Assistant Solicitor-General Reyes and *Solicitor Avancena* for appellee.

TORRES, J.:

The above-named defendant was charged by the provincial fiscal of Leyte with double homicide with various serious physical injuries through reckless imprudence, and upon being arraigned he pleaded not guilty, wherefore, after trial, the court of First Instance of said province, holding its term of court in Maasin, said province, found Florentino Villamora guilty, beyond reasonable doubt, of the crimes alleged in the information and, under section 67, paragraph (d), of Act No. 3992, sentenced him to an indeterminate penalty of a minimum of three (3) years and one (1) day to a maximum of six (6) years of *prisión correccional*, to indemnify the heirs of each of the deceased Lucia (or Lucina) Sabar and Petra Sabar in the sum of ₱2,000, with subsidiary imprisonment in case of insolvency as provided by law, and to pay the costs. In view of the absence of the corresponding proof, the court did not make any pronouncement as to the indemnity to be paid to Vivencio Beltran, Alberto Redullo, Gavina Pide, Monico Cabansay, Alberto Gerodias and Getulio Tabanera.

From said judgment, the defendant has appealed to this court and, in the brief filed in his behalf, has assigned three errors which, in substance, concern the nature of the evidence submitted by the prosecution and the defense and the credibility of witnesses.

It appears that at about seven o'clock in the evening of February 18, 1940, an "International" cargo truck, driven by appellant Florentino Villamora, traveling at a fast rate, without sounding its horn and without lights, approached the bridge spanning the Punong River, between Bato and Matalom, Leyte, coming from the direction of Matalom. At that moment, Monico Cabansay, Alberto Gerodias, Gavina Pide, Petra Sabar, Lucia (or Lucina) Sabar and Getulio Tabanera were passing through the same bridge, while Vivencio Beltran, riding on a bicycle, with Alberto Redullo astride on the back seat, was crossing the same bridge. When Beltran and Redullo had traversed about two-thirds of the length of the bridge, as already stated, upon noticing the approach of the cargo truck driven by the appellant, by the light of the bright moon and the drone of its engine, Beltran swerved his bicycle to the left, and Getulio Tabanera, Monico Cabansay, Alberto Gerodias, Gavina Pide, Petra Sabar and Lucia (or Lucina) Sabar side-

stepped to the railing of the bridge facing the sea, to avoid the fast coming vehicle driven by the accused.

Notwithstanding what has been said above, the truck caught the bicycle of Beltran, hurling him to the ground, then, successively and in the order named (Exhibit D), wounded Getulio Tabanera, Monico Cabansay, Alberto Gerodias and Gavina Pide, and ran over Lucia (or Lucina) Sabar and Petra Sabar, who died afterwards. Lucia (or Lucina) Sabar received multiple contusions on the abdomen, a lacerated gaping wound on the right lower abdomen about seven inches long, from which the intestines protruded, comminuted fracture of the pelvic bones, and laceration of the blood vessels of the pelvic, the bleeding of which caused her immediate death (Exhibit A); Petra Sabar had multiple abrasions on the abdomen and lower and upper extremities, contusions in the upper and lower limbs, contusions on the left side of the face and back of the skull, and fracture of the base of the skull with cerebral hemorrhage and bleeding in the ears, nose, mouth and eyes, which latter lesions were the immediate cause of her death. The other casualties are as follows: Vivencio Beltran, the man who was riding on the bicycle, had two big lacerated wounds on both feet which are described in detail in Exhibit C; Gavina Pide, a septuagenarian widow, presented a compound, complete comminuted fracture of the left femur; Alberto Gerodias, had contusions on the abdomen and peri-anal region as well as a bruise on the left forearm and sprain on the left hip joint; Monico Cabansay, had a contusion on the left thigh and a deep punctured wound on the same; and Getulio Tabanera, had a contusion on the left thigh and a bruise on the same, and a small lacerated wound on the head about one inch long (Exhibit C). In addition to the above, the prosecution presented Exhibit D, a sketch prepared by the chief of police of Bato, with the coöperation of police sergeant Sergio Vasquez, as a result of the investigation conducted by them on the floor of the bridge immediately after the accident.

It appears that the bridge in question is about 28 meters long and in the southern approach of the same there is a curve which, naturally, requires that the driver of a vehicle coming from the South to the North direction should drive his vehicle with utmost care in order to avoid any accident. When the cargo truck driven by this appellant suddenly emerged from that curve and approached the bridge from the South, the victims of the accident were already on the bridge, while Beltran and his companions on the bicycle had already covered two-thirds of the length of the same.

The appellant's version of the accident, that he sounded

his horn and came to a dead stop when he saw, as he was entering the bridge, the people who were the victims of his carelessness, is belied not only by the testimonies given by the injured witnesses who survived the accident and were able to testify as to how it happened, but also by the affidavit (Exhibit F) made by the appellant the day after the accident, wherein he states that he made no attempt to stop his truck before crossing the bridge, nor that the bicycle halted in the opposite and and its rider beckoned him to proceed. It is very apparent that the claim made by this appellant during the trial that he had stopped his truck upon entering the bridge from Matalom and that the bicycle came to a halt eight meters from the opposite end of the bridge, is the result of his reaction upon coming to the realization of the damaging statement made by him in the affidavit (Exhibit F) a few hours after the accident.

According to prosecution witness Pedro Pajares, who has been a foreman of the Bureau of Public Works for about 26 years, the bridge in question has a width of 4 meters and 30 centimeters, a length of 27 meters and 80 centimeters and at a distance of about 50 meters from the South approach, there is a curve of about 30 degrees, which prevents the bridge from being seen from said curve. These facts, which have not been contradicted by the defense, made it incumbent upon this appellant to exercise the greatest care and diligence in driving his cargo truck in crossing said narrow bridge, and that he did not exercise the utmost caution in driving his vehicle on said narrow bridge at a moment when the same was being traversed by the numerous victims caused by his carelessness and negligence cannot be denied, judging from what happened on the evening of February 18, 1940. It appears further that if the truck driven by this appellant came to a dead halt when the brakes of the same were applied, it was after having caused so many victims and the truck was already on the opposite end of the bridge, which shows evidently that the truck continued running almost the whole stretch of the bridge which, as we have already stated, is about 28 meters long.

Paragraph (d) of section 67 of the Revised Motor Vehicle Law fixes a minimum of fifteen (15) days and a maximum of six (6) years for the punishment which the court, in its discretion, may impose if, "as the result of negligence or recklessness and unreasonable fast driving, any accident occurs resulting in death or serious bodily injury to any person." Although two deaths and several serious physical injuries have resulted from the single act performed by this defendant, since one single information has been filed

in the premises, we are constrained to impose upon this appellant only one penalty. However, in view of the extraordinary circumstances surrounding this case, we believe that justice demands that the minimum of the indeterminate penalty meted out upon him by the lower court should be four (4) years, instead of three (3) years and one (1) day, and with the elimination of the words *prisión correccional* which appear in the dispositive part of the judgment appealed from, the same, as modified above, is hereby affirmed, with costs against the appellant. So ordered.

Paras, Pres. J., Imperial, Hontiveros, and Montemayor, JJ., concur.

Judgment modified.

[No. 7477. April 25, 1941]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
AURELIO BANGAY, defendant and appellant.

THEFT OF LARGE CATTLE; HERDSMAN; LIABILITY OF A HERDSMAN
STEALING COW ENTRUSTED TO HIM.—A herdsman may be guilty of theft of large cattle for stealing a cow entrusted to his care by the owner, for the reason that the legal possession of the animal was in the owner and the possession held by the herdsman was merely physical.

APPEAL from a judgment of the Court of First Instance of Iloilo. Barrios, J.

The facts are stated in the opinion of the court.

Felipe Relucio, Jr., for appellant.

Assistant Solicitor-General Mañalac and *Solicitor Avanceña* for appellee.

MONTEMAYOR, J.:

The defendant, Aurelio Bangay, is appealing from the decision of the Court of First Instance of Iloilo convicting him of theft of large cattle and sentencing him to from 6 months of *arresto mayor* to 6 years of *prisión correccional*, to indemnify the offended party C. N. Hodges in the amount of ₱20, with subsidiary imprisonment in case of insolvency, and to pay one-half of the costs.

We have carefully revised the record of this case and we are convinced that there is no merit in the appeal. According to the evidence, the following facts have been conclusively established:

On the morning of November 12, 1939, the overseer, named Franca, of the cattle ranch of the offended party C. N. Hodges, in the course of his inspection found that

one of the cows under the care of the herdsman Aurelio Bangay, the defendant herein, was missing from the corral. Said animal was black in color, with a wound on her right foreleg and branded with the letter "J" on the left hip and the letters "BN" on the right hip, valued at ₱20. The defendant informed Franca that the cow was left on the field the night before, but despite a search made, it could not be found. In the course of his investigation, Franca found some meat in the house of Juan Bascoguin, another employee of Hodges, and when questioned, he revealed that on the evening of November 11, 1939, he was invited by the appellant to attend a blow-out but when he reached the place indicated, he found that Bangay had just killed the cow in question and was asked to help in skinning and cutting it up; that with the aid of a flashlight held by Bascoguin, the appellant skinned the animal and gave about two kilos of its meat to Bascoguin, while Bangay kept the rest. That same night, Juan Banderado who was returning to his home after looking for an animal of his, passed by the place where the cow in question was slaughtered and he recognized Bascoguin and Bangay, the latter in the act of skinning the animal.

The appellant claims that no credit should be given to the testimony of Bascoguin for the reason that because of his alleged participation in the crime, his testimony was naturally colored in order to please the government. It is a fact that Bascoguin was jointly charged with the appellant with the theft of the cow, in the justice of the peace court, and after the preliminary investigation the case was sent up to the Court of First Instance where the corresponding criminal complaint was filed by the fiscal against the two. As far as we know, said charge is still pending against Bascoguin. The record fails to show that he had been excluded from the information to serve as a government witness or that the fiscal made any promise of leniency or consideration if he testifies in favor of the government. For this reason, we see no reason for not giving full credit to his statements in court.

Counsel for the appellant also contends that, inasmuch as the appellant was in possession of the animal in question, he could not very well have stolen it. But as the Solicitor-General points out, the legal possession of the animal was in the offended party. The possession held by the appellant was merely physical, as a mere herdsman. And it has already been decided that shepherd could be guilty of stealing sheep entrusted to his care by the owner.

In the commission of the crime, the aggravating circumstances of night time and abuse of confidence are pre-

sent. The principal penalty should therefore be the maximum of *prisión correccional*, in its maximum degree. The penalty immediately lower for the proper application of the law on indeterminate sentence should be *prisión correccional*, in its medium degree, according to the doctrine laid down in the case of *P. P. I. vs. Co Pao* (58 Phil., 545). The majority of the members of this Division, however, after having read the recent decision of our Supreme Court in the case of *P. P. I. vs. Francisco Diaz y Banzon*, G. R. No. 47785, are of the opinion that although in it there was no reference, much less express reversal made of the rule laid down in the *Co Pao* case, still it is apparent that said rule has been abandoned, at least it has not been followed and they see in this recent case of *Diaz* a return and a reversion to the old doctrine formerly promulgated in *U. S. vs. Fuentes* (4 Phil., 464), according to which case, the penalty immediately lower to *prisión correccional* in its maximum degree is the maximum of *arresto mayor*.

Finding no reversible error in the decision appealed from, the same is hereby affirmed with costs against the appellant.

Paras, Pres. J., Imperial, and Hontiveros, JJ., concur Judgment affirmed.

COURT OF APPEALS CREATES THREE DIVISIONS

IN BANC

MINUTES OF THE PROCEEDINGS HELD ON JULY 11, 1941

Present:

Honorable Ricardo Paras, Presiding Justice; and the Honorables Domingo Imperial, Jose M. Hontiveros, Mariano A. Albert, Cesar Bengzon, Sabino Padilla, Manuel C. Briones, Hermogenes Reyes, Marceliano R. Montemayor, Pedro Tuason, Francisco Enage, Alex. Reyes, Jose P. Melencio, Luis P. Torres, and Jose C. Generoso, Associate Justices.

The following resolutions were adopted:

Effective August 1, 1941, the membership of the three divisions of this Court shall be composed of the following:

First division—

| | |
|------------------------------|-------------------|
| Hon. Ricardo Paras | Presiding Justice |
| Hon. Cesar Bengzon | Associate Justice |
| Hon. Manuel C. Briones | Associate Justice |
| Hon. Hermogenes Reyes | Associate Justice |
| Hon. Pedro Tuason | Associate Justice |

Second division—

| | |
|------------------------------|-------------------|
| Hon. Domingo Imperial | Associate Justice |
| Hon. Mariano A. Albert | Associate Justice |
| Hon. Jose P. Melencio | Associate Justice |
| Hon. Luis P. Torres | Associate Justice |
| Hon. Jose C. Generoso | Associate Justice |

Third division—

| | |
|-------------------------------------|-------------------|
| Hon. Jose M. Hontiveros | Associate Justice |
| Hon. Sabino Padilla | Associate Justice |
| Hon. Marceliano R. Montemayor | Associate Justice |
| Hon. Francisco Enage | Associate Justice |
| Hon. Alex. Reyes | Associate Justice |

Provided, however, That the existing Divisions may decide the cases already voted therein before this date and all motions for reconsideration of their decisions.

Provided, further, That hereafter, all the cases ready for submission to the Court for final determination shall be divided equally among the three Divisions without taking into consideration the subject matter in litigation.

In view of the reading of the Calendar on July 14, 1941, at 2.30 o'clock p. m., the Court RESOLVED that the hearing of cases that will be set for oral argument from said Calendar shall be from September 1 to 30, 1941, inclusive. Mr. Justice Jose P. Melencio was designated to attend to the reading of the Calendar.

Pursuant to the authority given by His Excellency, the President of the Philippines, the Court RESOLVED that the Second Division of this Court shall hold sessions in the cities of Iloilo, Cebu and Zamboanga, for the purpose of hearing cases coming from the Visayan Islands and Mindanao. The Clerk of Court is hereby directed to prepare a list of cases coming from these places that are included in the Calendar of July, provided that only those cases set for oral argument shall be included, and with the understanding that the number of cases assigned to this division, shall be reduced accordingly to offset the number of cases to be heard by it in the South.

It is further RESOLVED that the Visayan Islands and Mindanao shall be grouped for the sake of expediency and convenience as follows:

| | |
|-----------------------------|--|
| <i>City of Iloilo</i> | { Iloilo Negros Occidental Antique Capiz Romblon |
| <i>City of Cebu</i> | { Cebu Agusan Bohol Negros Oriental Misamis Oriental Misamis Occidental Lanao Surigao Bukidnon Leyte Samar |

City of Zamboanga..... { Zamboanga
Sulu
Davao
Cotabato

and the schedule of hearings shall be in accordance with an itinerary to be announced later.

Approved:

July 14, 1941.

ANNUAL REPORT OF THE CLERK OF THE COURT OF APPEALS

MANILA, July 9, 1941

The Honorable
The SECRETARY OF JUSTICE
Manila

SIR:

In accordance with section 132 of the Revised Administrative Code, as amended by Commonwealth Act No. 3, I have the honor to submit the following report on the business done by the Court of Appeals from July 1, 1940, to June 30, 1941:

Cases pending at the close of business on June 30, 1940

My previous report states that there were pending in this Court, at the close of business on June 30, 1940, a total of 1,927 cases, classified as follows:

| | |
|---|-----|
| 1. Cases submitted for decision before the year 1940..... | 22 |
| 2. Cases submitted for decision from January, 1940, including preferential cases..... | 525 |
| 3. Cases included in the Calendar of July, 1940..... | 607 |
| 4. Cases awaiting the filing of briefs..... | 773 |

Total number of cases pending at the close of business on June 30, 1940..... 1,927

Cases docketed during the period of July 1, 1940, to June 30, 1941

| | |
|-------------------------|-------|
| 1. Criminal cases | 1,075 |
| 2. Civil cases | 950 |
| Total | 2,025 |

In the preceding fiscal year (1939-1940), there were 1,764 cases docketed here as against 2,025 in the year ending June 30, 1941,—an increase of 261 cases. The number of litigations reaching this Court has steadily risen every year since 1936, the present being the biggest.

Cases disposed of

During the aforesaid period, July 1, 1940, up to and including June 30, 1941, the Court disposed of 2,332 cases as follows:

| | |
|---|-------|
| 1. By decision | 1,814 |
| 2. By dismissal of appeal..... | 342 |
| 3. By certification to the Supreme Court..... | 176 |
| Total | 2,332 |

Decisions of this Court appealed to the Supreme Court

| | |
|--|-----|
| Total number of appeals by certiorari to the Supreme Court, from the date of organization of this Court up to and including June 30, 1941..... | 799 |
| 1. Appeals not perfected..... | 59 |
| 2. Appeals denied | 269 |
| 3. Appeals accepted or given due course..... | 471 |

Of the appeals accepted or given due course, 176 are not yet finally determined; while of the 295 already decided, the Supreme Court affirmed 257, modified 6, and reversed 32.

Report of the Court's decisions

Since its organization, this Court has rendered a total of 7,067 decisions and resolutions of which 701 have been published in the Official Gazette up to June 30, 1941. Of the first two volumes of the Appellate Court Reports completed, Volume I is now being printed by the Bureau of Printing. The same is expected to be available for sale to the public next October.

Income of the Court

The income of this Court for the same period, July 1, 1940, to June 30, 1941, was as follows:

| | |
|---|------------|
| 1. Docket fees | ₱19,619.14 |
| 2. Commission on deposits..... | 247.45 |
| 3. Fees on certifications and certified copies..... | 718.05 |
| 4. Costs in criminal cases..... | 732.00 |
| 5. Fines | 675.00 |
| 6. Other sources | 263.65 |
| Total collections | 22,255.29 |

Although the pauper cases numbered no less than 143, this Court's income during this fiscal year, compared with that of the previous fiscal year, is greater by ₱2,998.06. This year's is its biggest annual income ever since this Court was created.

Stenographers' delay in filing transcripts

Under section 12, rule 41, of the Rules of Court in the Philippines, the stenographers concerned are required, upon the approval of the record on appeal by the trial court, to attach to the record of an appealed case two copies of their transcripts of the oral evidence. Experience has shown, however, that very few stenographers are following this rule. Nearly in all appealed cases, the corresponding stenographers do not submit their transcripts until a warning of disciplinary action is received by them. Many allow two, three, or four months to pass before complying with their duty, and in some cases transcripts are not filed until after six or seven months, and even a year, thus giving occasion for this Court to impose fines on such negligent stenographers,—even to order their arrest in a few instances. This of course delays the filing of the parties' briefs, and consequently, the submission and decision of their controversies.

Of the 130 stenographers of Courts of First Instance, 52 or almost one half have been fined by this Court for delay in the filing of their transcripts. There are those stenographers whose fines aggregate to more than one or two hundred pesos a year. The record

of this Court also shows that two stenographers were ordered confined in the Bilibid Prisons until they finished transcribing their notes in several cases.

A general view of the Court's docket

The actual number of the cases pending in this Court will readily be seen from the following summary:

| | |
|---|-------|
| 1. Number of cases pending at the close of business, June 30, 1940 | 1,927 |
| plus— | |
| 2. Number of cases docketed from July, 1940, to June 30, 1941 | 2,025 |
| Total number of cases for the fiscal year, 1940-1941.... | 3,952 |
| minus— | |
| Total number of cases disposed of during the period, July 1, 1940, to June 30, 1941 | 2,332 |
| Total number of cases pending at the close of business on June 30, 1941..... | 1,620 |

Status of cases pending in this Court at the close of business on June 30, 1941

| | |
|---|-----|
| 1. Cases submitted for decision from January 1, 1941, including preferential cases..... | 69 |
| 2. Cases included in the Calendar of July, 1941..... | 676 |
| 3. Preferential cases ready for distribution during the month of July..... | 64 |
| 4. Cases awaiting the filing of briefs..... | 811 |

| | |
|--|-------|
| Total number of cases pending at the close of business on June 30, 1941..... | 1,620 |
|--|-------|

Of the 1,620 cases pending on June 30, 1941, only 69 are actually submitted for decision; the latter figure includes cases distributed lately. In view of the manifest desire of the Court to have its Calendar up to date, these few cases that remain pending decision, are expected to be disposed of during the current month.

Respectfully submitted,

JUAN O. REYES
Clerk of Court

ORDERS AND RESOLUTIONS OF THE COURT OF INDUSTRIAL RELATIONS

[No. 476. June 30, 1941]

MANILA HOTEL EMPLOYEES ASSOCIATION, petitioner, vs. MANILA HOTEL COMPANY, respondent.

RESOLUTION

GENEROSO, J.:

The above-entitled case was dismissed on various considerations, principal among them are the grounds: (1) that the reemployment of the seven employees who have not as yet been reinstated is a matter which should properly be submitted to the decision of the corresponding authorities of the respondent and the Government in line with the policy announced by the Chief Executive in his letter of April 18, 1938, addressed to the General Manager of the Manila Railroad Company, and (2) that taking into account the merits of the controversy it is not one demanding the exercise of the arbitral powers of the Court to afford protection to labor in pursuance of the mandate contained in section 6, Article XIII of the Constitution.

In asking reconsideration of the order petitioner argues that the reinstatement of those men is not the sole point in difference alleging that there is a claim for back wages of all the employees originally involved in the dispute. Under the rule established in the aforementioned letter of the President a claim for wages is one that should properly be laid to the management of the respondent, with the right to appeal, in case of dissatisfaction with the decision of the management, to the Board of Directors, from whose decision a further appeal may lie to the President of the Philippines. Affirming the reasons asserted in the order we declare that further proceedings are not necessary or desirable in this case. Motion denied.

So ordered.

Zulueta, Rovira, Castillo, and Tria Tirona concur.

[No. 60. June 30, 1941]

BAGONG PAGKAKAISA, petitioner, vs. BATANGAS TRANSPORTATION Co., respondent

RESOLUTION

GENEROSO, J.:

The attorneys for the respondent Batangas Transportation Company filed a motion on February 28, 1941, seeking reconsideration of the order of February 11, 1941, insofar as it directs the reinstatement in the company of three drivers, namely: Marcial Cello, Felipe Maula and Jose Banaag, and asking that the discharges of these men be confirmed. On motion of respondent's counsel, the case was heard on oral arguments after the efforts exerted by the parties towards an amicable settlement of this phase of the dispute proved unavailing.

After a careful review of all the facts brought out during the hearing and on the basis of the whole evidence presented in the case, we are of the opinion that the findings in the order are in full accord

with and supported by the evidence. The deficiencies pointed out in the findings of fact and in the general considerations are without merit. We confirm the findings that the immediate and principal causes assigned for the dismissal of these three drivers were not established.

The charges of speeding and reckless driving not having been proven, the principal question to be considered is whether the past record of each man furnish a valid ground for the discharge. We reiterate the opinion in the order that under the circumstances of the case the bad record imputed to each of the employees, standing alone, does not constitute sufficient reason for the discharge.

We find that these employees had served the company for a considerable number of years, Cello and Maula having served for about 8 years, and Banaag for almost 12 years. Like all other drivers of the company they had committed, since the commencement of employment, irregularities and infractions of rules distributed over a long period of years, which called for the imposition on the part of the management of fines and warnings as corrective measures and punishment. As the clearest explanation for their continued service in the company despite the supposedly unsatisfactory record, we find the enlightened and humane policy of the management of giving chances to a man to reform and improve his conduct and efficiency and of considering the absence of any irregularity for a long intervening period as an indication of improvement producing as an effect the condonation of previous offenses. In respect, however, to those who participated in the last two strikes called, it seems that the management desires to depart suddenly from this wholesome and fair-minded policy by applying not only with unusual rigor its rules but also by reviving and putting to life petty offenses which have been impliedly forgiven.

The alleged bad records were not the real ground advanced for the discharges. They were added to the charges simply to strengthen the case against the employees. There is no indication in the whole record, and we could not even possibly surmise it, that in the absence of the specific acts imputed to these drivers, which we say were not proven, the management would have entertained the thought of dismissing the men. Their continuance in the service for a considerable number of years notwithstanding the annotations of offenses of their service cards puts down all possible arguments to the contrary. To accept the reasoning of the company is to give it a vast and unbridled power at any time even during the existence of a dispute before the Court (when the employees are consequently restrained from employing the weapon of the strike) to dismiss all its drivers and conductors simply on the strength of their records, as it is not to be doubted that there could not be a single employee of this class who could work for years in a transportation company of the kind without suffering annotations on his service card of petty offenses most common to the occupation and which, normally, under the practice in vogue, do not merit dismissal.

The union failed to establish sufficiently the charge that the men were discharged for their union affiliation and their activities in the 1936 and in the 1937 strikes, yet taking into account all the circumstances of the case, the Court cannot simply dismiss the thought that those activities were in the mind of the management at the time the discharges were made and furnished an incentive to the action.

The decision recites the reasons for the reluctance of the Court

against interfering with respondent's freedom of selection of its employees for the protection of its interests and those of the public. Confronted, however, with a finding that the employees involved were dismissed without justifiable cause, and that their wrongful dismissals gave rise to a dispute which threatened to degenerate into another open conflict between the employer and the employees similar to the strike called by the employees in 1936 and in 1937, we elect to exercise our arbitral powers and the public right of regulation to provide a remedy to the situation. Respondent as a public utility is charged with public interest. It is not only bound to provide the public with efficient and safe transportation but also to assure a continued operation of its service, free from prejudicial interruptions arising from differences or disagreements with its employees. We think that compulsory arbitration was designed and may be exerted to the fullest extent necessary to secure and protect the public's right to an uninterrupted service.

The three employees were deprived of employment for quite a considerable length of time now. Their right to reinstatement has been determined in the order. The Court believes that they should not be further deprived of the opportunity to work, and, if this results through noncompliance with the order, respondent shall pay them for time lost from the date following receipt of notice of this resolution to the date of actual reinstatement.

The order thus modified, we deny respondent's motion.
It is so ordered.

Zulueta, Rovira, Castillo, and Tria Tirona, concur.

ORDERS AND RESOLUTIONS OF THE SECURITIES AND EXCHANGE COMMISSION

STOCK RESTRICTION LIFTED

July 18, 1941

MANILA STOCK EXCHANGE
Wilson Building
Manila

GENTLEMEN:

Upon consideration of your written and verbal requests for the lifting of the present restriction in the securities market, commonly known as the "peg", which was put into effect conformably to our letter of instructions to you of June 11, 1940, and the Commission believing that such request should now be granted in the public interest and for the protection of investors, you are hereby advised that any and all orders or instructions pegging the prices of securities listed on the Boards of that Exchange are herewith revoked, and the present pegged prices of such securities lifted, effective upon receipt by the Exchange of this letter.

Very respectfully,

R. NEPOMUCENO
Commissioner

**DELISTING OF PEOPLES MORTGAGE &
INVESTMENT CO.****ORDER**

Upon consideration of the application filed by the Manila Stock Exchange, pursuant to Rule A-19 of the Rules and Regulations issued under the Securities Act, to strike from listing the Class "A" Common, Class "B" Founders, and 7½ per cent Preferred stocks of the Peoples Mortgage & Investment Co., it appears that this company is now in process of liquidation; that a copy of the application was sent by the applicant to the said company; that the company has no objection to the delisting of its securities from the applicant exchange; that said securities were listed by accommodation; that the application complies with the rules of the Exchange; and that it is not believed necessary to impose any terms for the protection of investors as a condition to the delisting.

In view hereof, the application of the Manila Stock Exchange to strike from listing the subject securities is hereby approved, effective upon receipt by the Exchange of a copy of this order.

It is so ordered.

Manila, Philippines, July 18, 1941.

R. NEPOMUCENO
Commissioner

**DECISIONS OF THE CIVIL SERVICE
BOARD OF APPEALS****DISMISSAL FOR IMMORALITY**

[CASE No. 5. March 12, 1941]

FORTUNATO JATICO, respondent-appellant

DECISION

This is an appeal interposed by Mr. Fortunato Jatiko, temporary municipal teacher in Santander, Cebu, from the decision of the Commissioner of Civil Service dated August 30, 1940, dropping him from the service with prejudice to reinstatement or re-employment, for immorality. The alleged immorality consisted in his having, before he entered the government service, allegedly cohabited with one Miss F. D. without the sanction of legal marriage.

The records clearly show that one F. D., sister-in-law of the complainant while being engaged to the respondent, eloped with the latter in May, 1935; and that both lived together for an extended period of time without the sanction

of marriage. It also appears that Miss F. D. gave birth to a baby boy on March 24, 1936. There is no clear proof, however, showing that the respondent is the father of the child.

The only question to be determined is whether or not the act of the respondent, in living with Miss D. under the same roof for about a year without the sanction of legal marriage, long before he entered the Bureau of Education as a public school-teacher, constitutes sufficient basis upon which he may be dropped from the service.

The Director of Education in his 1st indorsement dated February 23, 1940, regarding this case, stated among other things, that—

“This offense was committed before the respondent entered the teaching service. Such being the case, and in line with the action taken in similar cases, it is recommended that Mr. Jatico be dropped from the rolls with prejudice to future reinstatement in the Bureau of Education.”

This recommendation of the Director of Education was concurred in by the Honorable, the Secretary of Public Instruction.

Unlike other officials and employees in the government civil service, a public school teacher occupies a peculiar position in the community. As he has under his care, guidance, and tutelage the children of the community, the public naturally expects of him an untarnished reputation for honesty and morality. If he has been guilty of immorality or disreputable conduct prior to his entering the service, as a teacher, he may, in the interest of the public service, be dropped from the rolls, because had the school authorities known of his disreputable conduct at the time his appointment was being considered, he would not have been appointed as a public school teacher. It appears, however, that the order contained in the decision appealed from, drops the respondent from the service “with prejudice to reinstatement or re-employment.” This Board believes that the recommendation above-quoted of the Director of Education, that is, that the respondent be dropped from the service with prejudice to future reinstatement as a public school teacher in the Bureau of Education, is the proper administrative penalty. As thus modified, the decision of the Commissioner of Civil Service is hereby affirmed.

So ordered.

Jose Abad Santos, Chairman; Jorge B. Vargas, and Rufino Luna, members, concur.

CORPORAL PUNISHMENT

[CASE No. 14. March 19, 1941]

CELESTINO G. NATIVIDAD, respondent-appellant

DECISION

This is an appeal of respondent Celestino G. Natividad, municipal teacher of the City of Zamboanga, in administrative case No. A-3158, from the decision of the Honorable, the Commissioner of Civil Service, finding him guilty of inflicting corporal punishment on his pupil in violation of the standing regulations and imposing on him a fine of five days' pay with reprimand and warning that commission of the same or similar offense will be dealt with more severely. The second charge for improper conduct was dropped as it was not substantiated. Simultaneously, for the same act, respondent was accused in the municipal court of Zamboanga for slight physical injuries (Case No. 24045) which resulted in his acquittal.

A review of the evidence on record shows that on the morning of August 25, 1939, respondent observed that one of his pupils, Milagros Lledo, nine years of age, was not paying attention, and because said pupil failed to repeat his explanation, he held her up and hit the head of the girl with his palm, causing the face to knock against the desk and her nose to bleed.

Respondent now contends that what really happened was that he merely intended to hold the head of Milagros Lledo to put it close to the paper but that upon noticing this action she ducked and her nose touched the surface of the desk and bled a little.

It is noteworthy that the same theory was brought out by respondent in his letter of explanation, but during the investigation, he limited his explanation by stating that he held her up toward the paper, forgetting to state, as he stated in his said letter of explanation and reiterated in his present appeal, that the child ducked which caused the knocking of her face against the desk. If that important detail was really true, it should not have escaped the mind of respondent at the precise moment of the investigation. Respondent admits, however, that Lledo would not have bled were it not for his act of holding her up, and this fact, read with the straightforward testimony of the child Lledo that she was hit with the hand of the respondent, leaves no doubt that respondent inflicted corporal punishment in the manner stated in the appealed decision.

The acquittal of respondent in the municipal court of Zamboanga in the above criminal case, although based on the same and identical facts, affords no valid ground to

alter the conclusion of guilt arrived at by the Commissioner of Civil Service. The finality and conclusiveness of administrative decisions is a well settled rule, and as long as (1) they are within the jurisdiction of the administrative offices rendering them, and (2) they are not arbitrary and oppressive, they remain final and binding (Goodnow, Adm. Decisions, 1 Cyc. of American Government p. 11; Blanco vs. Board of Medical Examiners, 46 Phil., 190; Sotto vs. Ruiz, 41 Phil., 468; Cinco, P. Law, p. 702). And since proceedings by the executive branch of the government in the exercise of its power to remove officers, as in this case, are regarded as neither judicial or penal, nor civil or criminal, but rather as administrative or remedial in character (Owens v. Bond, 83 Fla. 495; Gray v. McLendon, 134 Ga. 224; In re Mason, 147 Minn. 383; State v. Borstad, 27 N. D. 533; 46 C. J. pp. 993, 997), they are not governed by the strict rules of court procedure (Rackford v. Compton, 115 Ill. A., 406, and other cases to the same effect, *vide*, 46 C. J., p. 993) which, *inter alia*, require evidence beyond reasonable doubt to sustain criminal conviction, and by necessary inference, it becomes elementary that a moral conviction of the truth of the charges is deemed sufficient to warrant a finding of guilt, the reason for this being one of administrative expediency designed to avoid technical delays and thus afford the public immediate protection from the acts of incompetent or dishonest officials (State v. Borstad, *supra*).

In view of the foregoing, the decision appealed from is hereby affirmed.

So ordered.

Jose Abad Santos, Chairman; Jorge B. Vargas, Rufino Luna, members, concur.

OPINIONS OF THE SECRETARY OF JUSTICE

APPLICATION OF INCOME TAX

Opinion No. 161, Series 1941

July 7, 1941

The Honorable
The SECRETARY TO THE PRESIDENT
Manila

SIR:

I have the honor to refer to your indorsement of March 14, 1941, requesting my opinion as to the liability for the payment of the income tax of (1) the British Government on freights and fares received by it from the operation of

vessels owned or chartered by it, (2) the owners of the chartered vessels, and (3) the local agents of these vessels operating under the charter on their income received in such capacity.

Section 29, subsection (b), No. 7, of the National Internal Revenue Code expressly exempts from the income tax "income of foreign governments received from their investments in the Philippines in stocks, bonds, or other domestic securities, or from interest on their deposits in banks of the Philippines." The clear implication from this express statutory enumeration of exempt revenues according to accepted canons of statutory construction is that income not expressly mentioned is not exempt.

That income accruing to a foreign government is subject to the payment of the income tax unless expressly exempted by statute is the view of the Treasury Department of the United States which ruled that under the Federal Revenue Act of 1915, prior to the amendment of October 3, 1917, income accruing to a foreign government from "sources within the United States" arising from interest on bonds or dividends on stocks of domestic corporations is subject to the income tax.

This ruling supplied the motive for the passage of the 1917 amendment which provided for the necessary exemption. There is a wide and fundamental difference in the scope of the exemption which the Federal law provides and that which our law establishes. The former exempts not only "the income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments, or from interest on deposit in banks in the United States belonging to such governments" but also income "from any other source within the United States" (Revenue Act of 1924, sec. 213, subsec. 5, 26 USCA 21). In view of this all inclusive exemption the Treasury Department has rightly held that a foreign government is not subject to tax on income derived from the operation of vessels owned or chartered by such government. This decision while thoroughly justified in the United States would be unwarranted here because to accept it would be to go beyond the terms of our law which has failed to provide for a blanket immunity from the income tax or income accruing to a foreign government from any source within the Philippines.

Additional basis for the view that freights and fares received by the British government are subject to tax may perhaps be found in Clause 7 of the Liner Requisition Scheme which declares that the shipowner is to be indemnified by the British government against all liability (if

any) for income and other taxes levied abroad in respect of the earnings credited to the Government. This is an express recognition by the British government of its liability for the payment of income and other taxes due under the laws of other countries and sufficiently negatives the claim of an inherent right to exemption from taxation in favor of a sovereign power put forward by counsel for the local shipping agents.

The mere fact that the owners of the vessels chartered no longer operate the vessels on their own account and consequently no longer engage in business in the Philippines furnishes no ground for immunity if it can be shown that they are still receiving income from sources within the Philippines. There is no legal requirement that before the income tax can accrue the party liable therefor must be transacting business in the Philippines. On the contrary, the income tax is in express terms levied on persons and corporations not doing business in the Philippines but receiving income from sources therein (sec. 22, subsec. *b*, and sec. 24, Comm. Act No. 466).

There can be no doubt as to the liability of the local agents for income tax on the compensation they may receive as such. They transact business in the Philippines by soliciting cargo or passengers for the vessels they represent and they receive compensation therefor. This compensation is income from source within the Philippines according to section 37 of the National Internal Revenue Code because it constitutes "compensation for labor or personal services performed in the Philippines." The operation of the vessels by the British government does not obliterate the essential fact that they are performing services in the Philippines for which they receive compensation. This is all that is necessary to subject them to the payment of the income tax.

Very respectfully,

JOSE ABAD SANTOS
Secretary of Justice

"MANUFACTURED" PRODUCT

Opinion No. 172, Series 1941

2ND INDORSEMENT

July 10, 1941

Respectfully returned to the Honorable, the Secretary of Agriculture and Commerce with the information that after a careful reconsideration of the question involved, this Office reiterates its view that crude rubber which means

smoke dried and air-dried rubber sheets is a manufactured product within the meaning and scope of section 194 (x) of the National Internal Revenue Code.

Section 194 (x) provides:

(x) "Manufacturer" includes every person who by *physical or chemical process alters the exterior texture or form or inner substance of any raw material or manufactured or partially manufactured product in such manner as to prepare it for a special use or uses to which it could not have been put in its original condition, or who by any such process alters the quality of any such raw material or manufactured or partially manufactured product so as to reduce it to marketable shape or prepare it for any of the uses of industry, or who by any such process combines any such raw material or manufactured or partially manufactured products with other materials or products of the same or of different kinds and in such manner that the finished product of such process of manufacture can be put to a special use or uses to which such raw material or manufactured or partially manufactured products in their original condition could not have been put, and who in addition alters such raw material or manufactured or partially manufactured products, or combines the same to produce such finished products for the purpose of their sale or distribution to others and not for his own use or consumption.* (italics supplied.)

A reading of this provision indicates that there are more ways than one in considering a process, manufacture. Under the statutory definition, alteration of the form of any raw material by *chemical* process, or alteration of its quality by the same method so as to reduce it to a marketable shape, would constitute manufacturing. So this office previously held that the very process by which crude rubber is made, shows that it comes clearly within the foregoing legal provision (opinion dated February 5, 1941).

The Director of the Bureau of Plant Industry contends, however, that while crude rubber may be put into direct special use, as the use of crepe soles in the manufacture of sport shoes, this single isolated instance cannot justify their wholesale classification as manufactured products. The law, however, is clear and precise in stating that when a raw material is altered in such a manner as to prepare it for even only a single special use, such may be considered a manufactured product. In one case it was held that simply allowing the sap of an India rubber tree to harden upon a mold in order that it may be made into India rubber shoes is a process of manufacture, although the use of the hardened substance was solely for that one thing. (Lawrence vs. Allen, 7 How., 785.) It would seem, therefore, that the test would not be in the variety of uses to which a product may be put, but the special use suffices to bring it within the statutory definition.

The several cases mentioned in the basic communication cannot be readily accepted as a basis for a definition of the term "manufacture." There, the law using the term has been strictly construed against one who claims himself to be a manufacturer, in view of a state law specifically *exempting* manufacturers from the payment of license tax, the general rule being that in construing exemptions from taxation, the party claiming the benefit must bring himself within its plain and evident intendment. (State v. Echendorf, 46 La. Ann. 131.) The criterion, therefore, in the decision of the cases was not what constitutes manufacturing but who should be exempt from the payment of a manufacturer's tax. (See People *ex rel.* Union Pacific Tea Co. *vs.* Roberts, 145 N. Y. 375; New Orleans *vs.* Mannesier, 32 La. Ann. 1075; State *vs.* Echendorf, 46 La. Ann. 131; State *vs.* American Sugar, 51 La. Ann. 562, all cited in the basic communication.)

This office is not unmindful of the fact that an interpretation of the law excluding the process of crude rubber latex into crude rubber performed by rubber growers from the definition of the term manufacture, as used in section 194 (x) of the Internal Revenue Code, would be in the interest of rubber producers in small scale. It is, however, a cardinal rule of construction that when the language of the statute is plain, there is no room for construction. The only remedy in this instance would be an amendment in the law specifically exempting small rubber producers, from the payment of the tax.

JOSE ABAD SANTOS
Secretary of Justice

REACQUIRING NATIONALITY

Opinion No. 173, Series 1941

2ND INDORSEMENT

July 11, 1941

Respectfully returned to the Honorable, the Secretary to the President, Manila.

It appears from the within papers that Hilaria Flores Vda. de Lusongjap was born in Inopacan, Leyte, on November 3, 1889, of Filipino parents. Inasmuch as she was residing in these Islands on the date of the ratification of the Treaty of Paris, and continued to reside herein, she was therefore a citizen of the Philippines within the meaning of the Act of Congress of July 1, 1902 (sec. 4, incorporated in section 2 of the Jones Law). However, having

married a Chinaman on July 18, 1923, she thereby lost her Philippine citizenship (*see* Flourney and Hudson's Nationality Laws, p. 175; Op. Sec. of Justice, No. 14, s. 1938).

It appearing that the husband died on September 29, 1939, it follows that she can reacquire her original nationality "by merely taking the necessary oath of allegiance to the Commonwealth of the Philippines and registration in the proper civil registry," pursuant to section 4 of Commonwealth Act No. 63. The oath of allegiance should read as follows:

I,, solemnly swear that I renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to of which at this time I am a subject; that I will support and defend the Constitution of the Philippines and that I will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities of the Commonwealth of the Philippines; and I hereby declare that I recognize and accept the supreme authority of the United States of America in the Philippines and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.

So help me God.

However, should she desire a formal evidence of her reacquisition of Philippine citizenship, she may follow the judicial proceedings outlined under rule 3 of the Rules and Regulations Governing the Reacquisition of Philippine Citizenship promulgated by the Secretary of Justice on July 1, 1937.

JOSE ABAD SANTOS
Secretary of Justice

UNIVERSITY NOT A BUREAU

Opinion No. 176, Series 1941

3RD INDORSEMENT

July 14, 1941

Respectfully returned to the Honorable, the Secretary to the President, Manila.

In the case of the Metropolitan Water District this Office held that special permits under section 881 of the Revised Administrative Code may not be granted to subordinate officials or employees of said entity on the ground that the Metropolitan Water District is not a bureau of the National Government (Op. No. 246, series 1940). The question to determine in this case is whether the University of the Philippines may be considered a bureau of the

National Government inasmuch as under the law in question only chiefs of bureaus thereof may file an application for special permit in favor of subordinate officials or employees.

It has been held by the undersigned that the University of the Philippines is not a part of the Philippine Government for the purposes of Act No. 3134, otherwise known as the Copyright Law (Op. No. 11, series 1940). If the University of the Philippines is not embraced within the term "Philippine Government," it necessarily follows that it is not a bureau of the National Government since the latter is one of the component elements of the former (sec. 2, Act 2711). The President of said institution is not, therefore, entitled to the benefits of section 831 of the Revised Administrative Code.

While this Office is fully aware of the need of providing all accountable officials or employees in the government service with firearms and ammunition for personal protection in the performance of their official duties, yet it finds no cogent reason for deviating from the line of reasoning it has followed regarding the scope of section 881 of the Revised Administrative Code. The language of said section is so clear and explicit that to extend its provisions to cases not covered thereby would be practically assuming legislative powers. When the language of a statute is plain and unambiguous, there can be no room for construction even if other meanings could be found. The legislative intent expressed in the language of the law must be given effect regardless of consequences. The fact that such effect causes hardship or inconvenience, or even injustice, cannot be considered and taken into account (59 C. J. 969).

The remedy for the inadequacy of the law lies not in overstrained construction of, but in an amendment to, section 881 of the Revised Administrative Code so as to have it include accountable officials or employees of all public and government-owned or controlled corporations among those in whose favor an application for special permit may be filed by the respective heads or executive officers thereof.

In view of the foregoing, the undersigned is of the opinion that to extend the grant of special permits to all accountable officers or employees in the government service other than those pertaining to bureaus or offices forming parts of the National Government would not carry legal sanction. However, since the University of the Philippines has available funds for the purchase of one revolver which may be used by the Special Collecting and Disbursing Officer of the School of Dentistry, the difficulty may be over-

come if an application for a personal license under section 888 of said code is filed by the incumbent, Dr. Genaro B. Felizardo, and such license issued by the President subject to the condition that it shall be revoked when the holder ceases to be a Special Collecting and Disbursing Officer (sec. 889, Ibid.). The required cash deposit or bond for the issuance thereof may be put up by the University for and on behalf of the applicant.

JOSE ABAD SANTOS
Secretary of Justice

PHILIPPINE CITIZENSHIP

Opinion No. 177, Series 1941

2ND INDORSEMENT

July 15, 1941

Respectfully returned to the Honorable, the Secretary to the President, Manila.

Mr. Felix J. Pintado Piñon states that he was born in the Philippines on February 19, 1896, his mother being a Filipino and his father, a Spaniard who came to the Philippines in 1877 and has resided herein for the last sixty-one years. The first inquiry, therefore, is whether the father made before a court of record a declaration of intention to preserve Spanish nationality in accordance with the Treaty of Paris within the eighteen-month period from April 11, 1899. This, the Peninsular father could do although the son is a native inhabitant of the Philippines (Martinez de Hernandez et al., v. Casañas, 2 Porto Rico Fed. Rep. 519). However, this choice by the father of the nationality of their minor children is merely provisional, since the latter are required to make their final choice of nationality when they arrive at the age of twenty-one years. "The choice was to be made by the father and the children on their respective dates by means of a declaration made before a court of record." (Ex parte Garcia, 10 Porto Rico Fed. 516.) In other words, the son may make the requisite declaration within eighteen months after being of age; otherwise, he loses Spanish nationality and becomes a citizen of the Philippines.

However, if his father failed to preserve his allegiance to the Crown of Spain, Mr. Felix J. Pintado Piñon may be regarded as a citizen of the Philippines pursuant to the Act of Congress of July 1, 1902.

JOSE ABAD SANTOS
Secretary of Justice

RULINGS OF THE AUDITOR GENERAL**REFUND OF INCORPORATION FEES**

2ND INDORSEMENT

January 2, 1941

Respectfully returned to the Honorable, the Commissioner, Securities and Exchange Commission, Manila.

This is a request for opinion as to whether or not refund of the amount of ₱25 paid as filing fee of the articles of incorporation of the "Philippine Retail Pharmacists Co-operative Association," may be allowed, in view of the decision of the incorporators to organize the said association under the provisions of Commonwealth Act No. 565 which provides, among other things, exemption of such association from the payment of taxes and fees of whatever name and description during the first five years from its organization.

Section 8 of the Corporation Law, as amended, authorizes the Director of Commerce and Industry (now the Commissioner, Securities and Exchange Commission) to "*collect and receive a fee of twenty-five pesos from every nonstock corporation filing articles of incorporation.*" Under this provision of law, the filing of articles of incorporation is a condition precedent to the collection of the fee; that is, the fee cannot be collected unless the articles of incorporation are filed with and received by the Commission for the purpose of registering the same. Since, in the instant case, articles of incorporation were filed with and received by the Commission, the fee paid for the filing of the said articles of incorporation cannot be recovered back, although the incorporators of the association have requested the Commission to withhold the registration thereof and have decided to change their association to a stock corporation to be organized under Commonwealth Act No. 565, as the said fee is already earned once the articles of incorporation are filed with and received by the Commission.

In view hereof, refund of the amount of ₱25 paid as filing fee for the articles of incorporation of the "Philippine Retail Pharmacists Coöperative Association" cannot be allowed in audit.

J. HERNANDEZ
Auditor General

LOSS OF TREASURY WARRANT

12TH INDORSEMENT

May 22, 1941

Respectfully returned to the Treasurer of the Philippines, Manila, reiterating the decisions of this Office contained in its 7th and 10th indorsements hereon.

Inasmuch as Miss Consorcia P. Saymo never received treasury warrant No. 680252, the same having gone into the possession of another person thru no fault of hers, this Office believes that the amount of ₱36.36 covered by the said treasury warrant cannot be charged against the indemnity bond filed by her. The contention of that office to the effect that the Philippine National Bank may be held responsible for paying the said treasury warrant and that the same may be charged back by that bureau to the said bank for the reason that the latter is equally negligent in failing to ascertain the true identity of the payee, is also believed untenable. Although the bank was negligent in paying the warrant to a wrong party, that bureau cannot now charge the warrant back to the bank, as that bureau cannot be considered as a holder in due course inasmuch as it accepted and paid the warrant notwithstanding the fact that it had knowledge of the infirmity or defect of the instrument. That bureau may hold the bank on its warranty under its indorsement on the said warrant only when the instrument has come into its possession as a holder in due course.

In view hereof, this Office finds no justification for relieving the employee of that office of responsibility for paying the said treasury warrant when it was presented for payment by the Philippine National Bank.

M. AGREGADO

Acting Auditor General

**MISCELLANEOUS RULINGS, OPINIONS
AND DECISIONS****FREE IMPORT OF WHITE CORN**

The FOOD ADMINISTRATOR
Through the CHAIRMAN
CIVILIAN EMERGENCY ADMINISTRATION
Manila

MANILA, *July 22, 1941*

SIR:

In accordance with your letter of June 16, 1941, and pursuant to the provisions of Act No. 4198 and Proclamation No. 729, dated

June 24, 1941, authority is hereby granted the Food Administrator to import 5,000 tons of white maize from Macassar, Celebes, exempt from the payment of import duties, subject to such regulations as may be prescribed by the Insular Collector of Customs with the approval of the Honorable, the Secretary of Finance.

By authority of the President:

JORGE B. VARGAS
Secretary to the President

SUFFICIENCY OF CONTRACT BOND

According to an opinion rendered by the Purchasing Agent on a question involving the legality of a contract awarded by the City of Tagaytay to Pio Barretto and Sons, Inc. for the delivery to the former of a certain amount of lumber, an unreleased surety bond furnished to the Government by a contracting company in connection with an old contract under which deliveries have been completed, may be applied to a new contract at the request of the company if after an inquiry it is found that the said bond is sufficient for the new contract and that there are no existing liabilities against it arising from the old one.

HOMESTEAD APPLICATION

In the case of "Lorenzo Alejandrino, recurrente, *vs.* Hon. Benigno Aquino, Jose P. Dans, etc., y Ricardo Lopez, etc., *recurridos*," the Supreme Court sustains an order of the Secretary of Agriculture and Commerce denying, for the second time, a petition filed by Alejandrino for a reconsideration of the former's decision rejecting the petitioner's homestead application for the registration in his name of a parcel of land. The order was based on the fact that after a careful examination of the records of the case it was found out that the parcel claimed by Alejandrino was included in the land originally covered by the sales application of respondent Lopez, and that said Alejandrino, in working on the said parcel, acted merely as tenant of Lopez.

RULE ON TWO SIMILAR TRADE-MARKS

Confirming a decision of the lower court in the case of Lim Bonfing y Hnos., Inc., plaintiff-appellants, *vs.* Anastacio de Castro, Acting Director of Commerce, defendant-appellee, the Court of Appeals holds that where two trademarks appear to be different from one another when examined together, but which may easily lead to confusion when seen separately, they must be considered identical; also, the trademark that was first registered prevails over the other. According to the decision, the law aims to protect not only the public, but also the merchant; the first one, in order that it may not be misled in buying a merchandise of a specified mark, and the second, so as to protect him against illegal competition.

APPOINTMENTS AND DESIGNATIONS

BY THE PRESIDENT OF THE PHILIPPINES

COURTS OF FIRST INSTANCE

Pio Fajardo, appointed *ad interim*, Judge of the First Judicial District, to preside over the second branch of the Court of First Instance of Cagayan, with residence at Aparri, July 16, 1941.

Enrique Fernandez, appointed *ad interim*, Judge-at-large of First Instance, July 16, 1941.

Bonifacio Ysip, appointed *ad interim*, Cadastral Judge, July 16, 1941.

CIVILIAN EMERGENCY ADMINISTRATION

Colonel Antonio C. Torres, detailed until further orders to act as Chief of the Volunteer Guards, with compensation of ₱8,000 per annum, effective as of July 1, 1941.

PROVINCES

BOHOL

Aquilino Calixto, appointed *ad interim*, provincial treasurer, July 16, 1941.

BULACAN

Pablo Bautista, appointed councilor of the municipality of Hagonoy, July 17, 1941.

CAPIZ

Antonino Desales, appointed *ad interim*, auxiliary justice of the peace of Panay and Panitan, July 19, 1941.

CAVITE

Benjamin B. Loyola, resigned as auxiliary justice of the peace of Carmona, effective as of June 30, 1941.

DAVAO

Pastor B. de la Cerna, redesignated acting provincial treasurer with additional compensation of ₱900 per annum, July 16, 1941.

MARINDUQUE

Vicente Hipona, appointed *ad interim*, provincial treasurer of Marinduque, July 16, 1941, vice Jose H. Quimpo, transferred.

MINDORO

Jose Alano, appointed *ad interim*, provincial fiscal of Mindoro, July 19, 1941.

NEGROS OCCIDENTAL

Montano Cabales, appointed councilor of the municipality of Castellana, July 21, 1941, for the unexpired term of Severo Cebanda, deceased.

NUEVA ECIJA

Albino Figueroa, appointed *ad interim*, assistant provincial fiscal, with compensation at the rate of ₱2,800 per annum, July 23, 1941.

Felicisimo S. Ocampo, appointed *ad interim*, assistant provincial fiscal, with compensation at the rate of ₱2,400 per annum, July 23, 1941.

Juan Alano, appointed *ad interim*, assistant provincial fiscal, with compensation at the rate of ₱2,000 per annum, July 23, 1941.

PAMPANGA

Exequiel Dajoyag, designated acting provincial treasurer and provincial assessor with additional compensation of ₱800 per annum, effective June 2, 1941, said designation to continue until the assumption of office of the new provincial treasurer of Pampanga.

PANGASINAN

Crispin de los Reyes, appointed councilor of the municipality of Tayug, July 15, 1941.

Eligio Ramos, appointed councilor of the municipality of Mangatarem, July 22, 1941.

Emiliano Abalos, appointed councilor of the municipality of Mangaldan, July 17, 1941.

Francisco Sison, appointed councilor of the municipality of Mangatarem, July 22, 1941.

Leon Calica, appointed councilor of the municipality of Tayug, July 15, 1941.

Mariano Bartolome, appointed councilor of the municipality of Lingayen, July 22, 1941, for the unexpired term of Primo T. Ocampo, resigned.

Tomas Tadeo, appointed councilor of the municipality of Mangaldan, July 17, 1941.

SORSOGON

Artemio Gratil, appointed councilor of the municipality of Bulan, July 18, 1941.

Gregorio Honasan, appointed councilor of the municipality of Bulan, July 18, 1941.

ZAMBOANGA

Primo M. Bendijo, appointed *ad interim*, justice of the peace of Pagadian, Cebuano Barracks and Tukoron, July 21, 1941.

LEGAL AND OFFICIAL NOTICES

COMMONWEALTH OF THE PHILIPPINES

GENERAL LAND REGISTRATION OFFICE

In the Court of First Instance, Province of
Palawan

[Land Registration Case No. 21. G. L. R. O. Record
No. 55175]

FRANCISCA T. SINTOME, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Palawan, in Puerto Princesa, Palawan, P. I.; the municipal council of Coron, in Coron, Palawan, P. I.; and Candido Sintome c/o Culion Leper Colony, in Culion, Palawan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Francisca T. Sintome c/o Culion Leper Colony, in Culion, Palawan, P. I., to register and confirm her title to the following property:

A parcel of land (plan Ps-15534), with the buildings and improvements thereon, situated in the barrio of Canipo, municipality of Coron, Province of Palawan, P. I.—Bounded on the NE. by the Linapacan Strait; and on the SE., S., SW., W., NW., and interior by the public lands. Point "1" is S. 50° 53' W., 4,348.60 m. from C. & G. S. triangulation station "Red." Area 277,878 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Palawan, at its session to be held in the municipality of Coron, Province of Palawan, P. I., on the 4th day of August, A. D. 1941, at 9 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Gervacio Diaz, judge of said court, the 7th day of May, in the year 1941.

Issued at Manila, P. I., this 18th day of June, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(3, 4)

In the Court of First Instance, Province of
Palawan

[Cadastral Case No. 23. G. L. R. O. Cadastral Record
No. 2095]

DIRECTOR OF LANDS, *petitioner*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal and the provincial board of Palawan, these two in Puerto Princesa, Palawan, P. I.; and the municipal council of Coron, in Coron, Palawan, P. I., and to all whom it may concern:

Whereas a petition has been presented to said court by the Director of Lands, praying that the title to the following described lands or the various parcels thereof be settled and adjudicated.

Three parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Mr-412, sheet No. 1), situated in the barrio of Decalachao, municipality of Coron, Province of Palawan, P. I.—Bounded on all sides by barrio roads. Point "1" is S. 57° 52' E., 1,444.83 m. from B. L. B. M. No. 2, Calton, Coron. Area 2.1740 hectares.

2. A parcel of land (lot No. 2, plan Mr-412, sheet No. 2), situated in the barrio of Banuang Daan, municipality of Coron, Province of Palawan, P. I.—Bounded on all sides by the public land. Point "1" is S. 14° 30' W., 6,015.29 m. from C. & G. S. "Ban-cuan," Coron. Area 0.9999 hectare.

3. A parcel of land (lot No. 3, plan Mr-412, sheet No. 3), situated in the barrio of Loñaon, municipality of Coron, Province of Palawan, P. I.—Bounded on all sides by barrio roads. Point "1" is S. 42° 13' W., 916.12 m. from B. L. B. M. No. 1, Marcella, Coron. Area 0.9217 hectare.

You are hereby cited to appear before the Court of First Instance of Palawan, at its session to be held in the municipality of Coron, Province of Palawan, P. I., on the 4th day of August, anno Domini, 1941, at 9 o'clock in the forenoon, to present such claims as you may have to said lands, or any portion

thereof, and to present evidence if any you have in support of such claims.

And unless you appear at said court at the time and place aforesaid, your default will be recorded and the titles to the lands will be adjudicated and determined in accordance with the prayer of the petition and upon the evidence before the court, and you will be forever barred from contesting such petition or any decree entered thereon.

Witness the Hon. Gervacio Diaz, judge of said court, the 7th day of February, in the year 1941.

Issued at Manila, P. I., this 18th day of June, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(3, 4)

In the Court of First Instance, Province of Palawan

[Cadastral Case No. 24. G. L. R. O. Cadastral Record No. 2103]

DIRECTOR OF LANDS, *petitioner*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal and the provincial board of Palawan, these two in Puerto Princesa, Palawan, P. I.; and the municipal council of Bacuit, in Bacuit, Palawan, P. I., and to all whom it may concern:

Whereas a petition has been presented to said court by the Director of Lands, praying that the titles to the following described lands or the various parcels thereof be settled and adjudicated.

A parcel of land (plan Mr-435), with the buildings and improvements thereon, situated in the barrio of Oton, municipality of Bacuit, Province of Palawan, P. I.—Bounded on the NE. by the public land; on the SE. by the public land and the Oton Creek; on the SW. by the Oton Creek and a barrio street; and on the NW. by a barrio street. Point "1" is S. 60° 05' W., 9,222.25 m. from C. & G. S. triangulation station. "Batas" 19, Taytay. Area 3.4677 hectares. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Palawan, at its session to be held in the municipality of Coron, Province of Palawan, P. I., on the 4th day of August, anno Domini 1941, at 9 o'clock in the forenoon, to present such claims as you may have to said lands, or any portion thereof, and to present evidence if any you have in support of such claims.

And unless you appear at said court at the time and place aforesaid, your default will be recorded and the titles to the lands will be adjudicated and determined in accordance with the prayer of the petition and upon the evidence before the court, and you will be forever barred from contesting such petition or any decree entered thereon.

Witness the Hon. Gervacio Diaz, judge of said court, the 24th day of February in the year 1941.

Issued at Manila, P. I., this 18th day of June, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(3, 4)

In the Court of First Instance, Province of Bulacan

[Land Registration Case No. 1406. G. L. R. O. Record No. 55206]

FRANCISCA SORIANO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Bulacan, in Malolos, Bulacan, P. I.; the municipal council of Meycauayan, Fernando Nieto, Victoria Mistica, Ambrosio Berdador, Pablo Donato, Bernabe Rodriguez, Simeon Elasco, Jacinto Trinidad and Lorenzo Ipapo, all of these in Meycauayan, Bulacan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Francisca Soriano, in Meycauayan, Bulacan, P. I., through the attorney Teofilo A. Abejo, in Bustos, Bulacan, P. I., to register and confirm her title to the following property:

A parcel of land (plan Psu-112597), with the buildings and improvements thereon, situated in the barrio of Perez, municipality of Meycauayan, Province of Bulacan, P. I.—Bounded on the NE. by properties of Simeona Elasco and Ambrosio Berdador, a sapa (no name) and property of Jacinto Trinidad; on the SE. by property of Lorenzo Ipapo and a barrio road; on the SW. by properties of Fernando Nieto and Victoria Mistica and a sapa (no name); on the W. by property of Victoria Mistica; and on the NW. by properties of Victoria Mistica, Pablo Donato, Bernabe Rodriguez, Ambrosio Berdador and Simeona Elasco. Point "1" is N. 54° 35' E., 5,332.62 m. from B. L. L. M. No. 1, Meycauayan. Area 78,610 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court

of First Instance of Bulacan, at its session to be held in the municipality of Malolos, Province of Bulacan, P. I., on the 4th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Arsenio C. Roldan, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(3, 4)

Registration Office

**In the Court of First Instance, Province of
Bulacan**

[Land Registration Case No. 1407. G. L. R. O. Record
No. 55207]

EUGENIO CARLOS AND RAYMUNDA CARLOS, *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Bulacan, in Malolos, Bulacan, P. I.; the municipal council of Meycauayan, Maxima Floro, Rustica Legaspi, Isidoro Casas, the heirs of Simon Francia and the heirs of Aguedo Noriega, all of these in Meycauayan, Bulacan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Eugenio Carlos and Raymunda Carlos, these two in Meycauayan, Bulacan, P. I., through the attorney Teofilo A. Abejo, in Bustos, Bulacan, P. I., to register and confirm their title to the following property:

A parcel of land (plan Psu-101328), with the buildings and improvements thereon, situated in the Poblacion, municipality of Meycauayan, Province of Bulacan, P. I.—Bounded on the NE. by the Parian Street; on the SE. by property of the heirs of Simon Francia; on the SW. by property of the heirs of Aguedo Noriega; and on the NW. by property of Isidoro Casas. Point "1" is N. 31° 37' E., 79.95 m. from B. L. L. M. No. 1, Meycauayan. Area 494 square meters. Said parcel being more particularly determined and described on the plan and technical description attached on the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Bulacan, at its session to be held in the municipality of Malolos, Province of Bulacan, P. I., on the 4th day of August, A. D.

1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Arsenio C. Roldan, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(3, 4)

Registration Office

**In the Court of First Instance, Province of
Pangasinan**

[Land Registration Case No. 16982. G. L. R. O. Record
No. 55172]

JOSE L. ABROGAR, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I.; the municipal council of Mangaldan, in Mangaldan, Pangasinan, P. I.; Maria Mansat, in San Fabian, Pangasinan, P. I.; Antonio Abrogar, Fabian Langit, Casimiro Abrogar, the heirs of Juan Romero, Jacinta Abrogar, Juan de Guzman and Gregorio de Guzman, all of these in the barrio of Salaan, Mangaldan, Pangasinan, P. I.; and Juana Desear, in the barrio of Salay, Mangaldan, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Jose L. Abrogar, in the barrio of Salay, Mangaldan, Pangasinan, P. I., through the attorney Vicente Bengzon, in Lingayen, Pangasinan, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-111737), situated in the barrio of Salaan, municipality of Mangaldan, Province of Pangasinan, P. I.—Bounded on the NE. by properties of Maria Mansat and Casimiro Abrogar; on the SE. by properties of the heirs of Juan Romero and the municipal government of Mangaldan (Salaan School Site); on the SW. by property of Jacinta Abrogar; and on the NW. by properties of Gregorio de Guzman and Fabian Langit. Point "1" is N. 39° 28' W., 2,036.67 m. from B. L. L. M. No. 1, Embarcadero, Mangaldan, Pangasinan. Area 9,731 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province of Pangasinan, P. I., on the 5th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Braulio Bejasa, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(3, 4) Registration Office

**In the Court of First Instance, Province of
Pangasinan**

[Land Registration Case No. 16983. G. L. R. O. Record
No. 55173]

AMBROSIO DORIA and PASTORA SAMBINO, *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I.; the municipal council of Mangaldan, in Mangaldan, Pangasinan, P. I.; the municipal council of Dagupan, in Dagupan, Pangasinan, P. I.; Atanacio Toralba, Felipe Lambino, Cesarea Toralba, Apolonio Cendaña, Pablo Biado, the heirs of Juan Cerra, Leonora Layug, Francisco Gubatan, Claro Cerra, Felix Moulic Gotos, Santiago Cendaña, Vicente Oca, Hermenegildo Casipit and Melanio Cerra, all of these in the barrio of Maasin, Mangaldan, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Ambrosio Doria and Pastora Lambino, in the barrio of Maasin, Mangaldan, Pangasinan, P. I., through the attorney Vicente Bengzon, in Lingayen, Pangasinan, P. I., to register and confirm their title to the following property:

Three parcels of land, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-110690), situated in the barrio of Bolosan, municipality of Dagupan, Province of Pangasinan, P. I.—Bounded on the NE.

and SE. by the Anolid River; and on the NW. by property of Cesarea Toralba et al. and the Anolid River. Point "1" is S. 46° 19' E., 566.30 m. from M. B. M. No. 3, Dagupan, cadastre No. 217. Area 15,626 square meters.

2. A parcel of land (plan Psu-112342), situated in the barrio of Maasin, municipality of Mangaldan, Province of Pangasinan, P. I.—Bounded on the NE. by properties of Apolonio Cendaña and Pablo Biado; on the SE. by property of the heirs of Juana Cerra; on the SW. by properties of Leonora Layug and Francisco Gubatan; and on the NW. by property of Felipe Lambino. Point "1" is S. 74° 18' W., 3,841.83 m. from B. L. L. M. No. 1, Mangaldan, Pangasinan. Area 2,802 square meters.

3. A parcel of land (plan Psu-112701), situated in the barrio of Maasin, municipality of Mangaldan, Province of Pangasinan, P. I.—Bounded on the NE. by properties of Claro Cerra, Felix Moulic Gotos and Santiago Cendaña; on the SE. by properties of Santiago Cendaña and Vicente Oca; on the SW. by property of Hermenegildo Casipit; and on the NW. by properties of Hermenegildo Casipit, Melanio Cerra and Claro Cerra. Point "1" is S. 80° 01' W., 2,735.69 m. from B. L. L. M. No. 1, Mangaldan, Pangasinan. Area 8,418 square meters.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province of Pangasinan, P. I., on the 5th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Braulio Bejasa, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(3, 4) Registration Office

**In the Court of First Instance, Province of
Pangasinan**

[Land Registration Case No. 16984. G. L. R. O. Record
No. 55174]

FAUSTO SOTIANGCO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Land the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provin-

cial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I.; the municipal council of Binalonan, Emilio Balicha, Hilaria Ganson, Andres Dilag, Raymundo Miranda, Segundo Amubit and Cipriana Manuel, all of these in Binalonan, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Faustino Sotiangeo, in Binalonan, Pangasinan, P. I., through the attorneys Sison & Mejia, in Binalonan, Pangasinan, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-90152), situated in the Poblacion, municipality of Binalonan, Province of Pangasinan, P. I.—Bounded on the N. and NW. by property of Angelo Ganson (before) Hilaria Ganson & Andres Dilag (now); on the E. and W. by the municipal roads; and on the S. by property of Raymundo Miranda & Segundo Amubit. Point "1" is S. 13° 16' E., 146.42 m. from B. L. L. M. No. 2, Binalonan, Pangasinan. Area 1,246 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province of Pangasinan, P. I., on the 5th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Braulio Bejasa, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
(3, 4) Registration Office

In the Court of First Instance, Province of Pangasinan

[Land Registration Case No. 16985. G. L. R. O. Record No. 55188]

ASUNCION CALIXTRO, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I.; the municipal council of Bani, Francisco Parle, Paulino Petalver, Gregorio

Calixtro, Nicolas Petalver, Timoteo Petalver, Macario Alegre, Nicolasa Camba, Quirino Petalver, Julio O. Castelo and Felix Orteyza, all of these in Bani, Pangasinan, P. I.; Braulio Camarillo, Matias Soria and Guillermo Padilla, all of these in Ambabaay, Bani, Pangasinan, P. I.; Bruno Nano, in Agno, Pangasinan, P. I.; Maria Deferio, in Bolinao, Pangasinan, P. I.; and Pablo Ocsimana, in Macabit, Bani, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Asuncion Calixtro, in Bani, Pangasinan, P. I., through the attorney Eudocio Cacho, in Bani, Pangasinan, P. I., to register and confirm her title to the following property:

Three parcels of land, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-64450), situated in the barrio of Banog, municipality of Bani, Province of Pangasinan, P. I.—Bounded on the NE. by properties of Macario Alegre, Nicolasa Camba and Timoteo Petalver, a callejon and lot No. 2; on the E. by property of Timoteo Petalver; on the SE. by property of Quirino Petalver; on the S. by a road; on the SW. by properties of Francisco Parle, Paulino Petalver and Gregorio Calixtro (now) Maura Petalver (before); and on the NW. by properties of Timoteo Petalver and Macario Alegre. Point "1" is S. 53° 31' E., 4,535.44 m. from B. L. L. M. No. 2, Bani. Area 21,958 square meters.

2. A parcel of land (lot No. 2, plan Psu-64450), situated in the barrio of Banog, municipality of Bani, Province of Pangasinan, P. I.—Bounded on the NE. and E. by property of Timoteo Petalver; and on the W. by lot No. 1. Point "1" is S. 55° 14' E., 4,422.30 m. from B. L. L. M. No. 2, Bani. Area 413 square meters.

3. A parcel of land (plan Psu-96562), situated in the barrio of Ambabaay, municipality of Bani, Province of Pangasinan, P. I.—Bounded on the N. by property of Julio O. Castelo; on the NE. by property of Braulio Camarillo; on the E. by property of Braulio Camarillo (Matias Soria); on the SE. by properties of Matias Soria and Guillermo Padilla; on the S. and SW. by property of Bruno Nano; and on the NW. by properties of Maria Deferio, Felix Orteza Felix Orteyza) vs. Pablo Ocsimana), Felix Orteza (Felix Orteyza) and Julio O. Castelo. Point "1" is S. 41° 01' E., 2,667.71 m. from B. L. L. M. No. 2, Bani, Pangasinan. Area 21,360 square meters.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province

of Pangasinan, P. I., on the 5th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Braulio Bejasa, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(3, 4)

In the Court of First Instance, Province of
Pangasinan

[Land Registration Case No. 16986. G. L. R. O. Record
No. 55189]

GRACIANO B. GARCIA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I.; the municipal council of Manaoag, the heirs of Teodoro Milo, Gerardo Milo, Genoveva Milo, Epifania Milo, Gregorio Bautista, Mariano Bautista, Angel Jimenez and Gregoria Quintos, all of these in Manaoag, Pangasinan, P. I.; Marcelo Robiñol, in the barrio of Laoac, Manaoag, Pangasinan, P. I.; and Servillano Sta. Maria, in the barrio of Pao, Manaoag, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Graciano B. Garcia, in Manaoag, Pangasinan, P. I., through the attorneys Rheberg, Sanchez & Ragasa, in Lingayen, Pangasinan, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-22544) (SWO-16245), situated in the barrio of Laoac, municipality of Manaoag, Province of Pangasinan, P. I.—Bounded on the NE. and NW. by the Cacanintuin Creek; on the E. by property of Marcelo Robiñol; on the SE. and SW. by the Tutunoguin Creek; and on the W. by properties of the heirs of Teodoro Milo and Servillano Sta. Maria. Point "1" is S. 9° 51' W., 3,004.43 m. from B. L. B. M. No. 1, Maraboc, Manaoag. Area 140,870 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court

of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province of Pangasinan, P. I., on the 5th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Braulio Bejasa, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(3, 4)

In the Court of First Instance, Province of
Rizal

[Land Registration Case No. 1475. G. L. R. O. Record
No. 55221]

GREGORIO PACHECO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Rizal, in Pasig, Rizal, P. I.; the municipal council of Malabon, in Malabon, Rizal, P. I.; Tomasa Perez, Carmen Santiago and Florencia Perez, all of these on Juan Luna Street No. 1942, Manila, P. I.; the heirs of Asuncion Agustines c/o Florentino Reyes, Severo Valenzuela and Florentino Reyes, all of these in Polo, Bulacan, P. I.; Ponciano Dar Lucio, Alejandro Dar Lucio, Vicente Apolinario and Pedro Dar Lucio, all of these in Obando, Bulacan, P. I.; Julian Mesina, in Panjolo, Malabon, Rizal, P. I.; and the Roman Catholic Archbishop of Manila, represented by the attorneys Feria & La O, in Manila, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Gregoria Pacheco, in Polo, Bulacan, P. I., through the attorney Felipe Fernandez, in Polo, Bulacan, P. I., to register and confirm her title to the following property:

Four parcels of land, situated in the barrio of Panjolo, municipality of Malabon, Province of Rizal, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries ad areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-108748,

sheet No. 1).—Bounded on the NE. by property of Florencia Perez; on the SE. by properties of the Roman Catholic Archbishop of Manila and the heirs of Asuncion Agustines; on the SW. by property of heirs of Asuncion Agustines; and on the NW. by property of Ponciano & Alejandra Dar Lucio. Point "1" is S. 28° 07' E., 1,742.60 m. from B. L. L. M. No. 1, Polo, Bulacan. Area 10,000 square meters.

2. A parcel of land (lot No. 2, plan Psu-108748, sheet No. 1).—Bounded on the NE. by properties of Florencia Perez and the heirs of Asuncion Agustines; on the SE. by property of Vicente Apolonio; on the SW. by property of Severo Valenzuela; and on the NW. by properties of Severo Valenzuela and Florencia Perez. Point "1" is S. 11° 53' E., 1,886.35 m. from B. L. L. M. No. 1, Polo, Bulacan. Area 7,183 square meters.

3. A parcel of land (lot No. 3, plan Psu-108748, sheet No. 1).—Bounded on the NE. by property of Julian Mesina; on the SE. by property of the Roman Catholic Church (Concepcion Estate); on the SW. by property of Severo Valenzuela; and on the NW. by property of Vicente Apolonio. Point "1" is S. 17° 22' E., 1,860.29 m. from B. L. L. M. No. 1, Polo, Bulacan. Area 2,372 square meters.

4. A parcel of land (lot No. 4, plan Psu-108748, sheet No. 1).—Bounded on the NE. by property of the heirs of Asuncion Agustines; on the SE. by properties of Pedro Dar Lucio and Tomasa Perez (before) Carmen Santiago (now); on the SW. by properties of Tomasa Perez (before) Carmen Santiago (now), Ponciano Dar Lucio and Pedro Dar Lucio; and on the NW. by properties of the Roman Catholic Church (Concepcion Estate) and Tomasa Perez (before) Carmen Santiago (now). Point "1" is S. 14° 19' E., 1,988.71 m. from B. L. L. M. No. 1, Polo, Bulacan. Area 27,796 square meters.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, P. I., on the 7th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Diego Loecin, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 2d day of July, 1941.

Attest:

(3, 4)

[SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

In the Court of First Instance, Province of Rizal

[Land Registration Case No. 1476. G. L. R. O. Record No. 55222]

ENRIQUE VILLALUZ Y REYES, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Rizal, in Pasig, Rizal, P. I.; the municipal council of Angono, Victoria Morales, Rufino Anorico, the heirs of Pantaleon Gragera, Soledad Samson and Gavino Garcia, all of these in Angono, Rizal, P. I.; and Mariano Santos, on Guevarra Street No. 40, San Juan del Monte, Rizal, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Enrique Villaluz y Reyes, in Angono, Rizal, P. I., to register and confirm his title to the following property:

Two parcels of land, situated in the Poblacion, municipality of Angono, Province of Rizal, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-111644).—Bounded on the NE. by property of Gavino Garcia; on the SE. by lot No. 2; on the SW. by property of Soledad Samson; and on the NW. by property of Victoria Guido (before) (now) Mariano Santos. Point "1" is N. 76° 35' W., 194.34 m. from B. L. L. M. No. 1, Angono, Rizal. Area 1,037 square meters.

2. A parcel of land (lot No. 2, plan Psu-111644).—Bounded on the NE. by property of Gavino Garcia; on the SE. by the San Isidro Street; on the SW. by property of Soledad Samson; and on the NW. by lot No. 1. Point "1" is N. 84° 43' W., 144.12 m. from B. L. L. M. No. 1, Angono, Rizal. Area 44 square meters.

You are hereby cited to appear before the Court of First Instance of Rizal, at its session to be held in the municipality of Pasig, Province of Rizal, P. I., on the 7th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Alejo Labrador, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 7th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*

(3, 4)

**In the Court of First Instance, Province of
 Tayabas**

[Land Registration Case No. 3634. G. L. R. O. Record
 No. 54727]

SEBASTIAN CUASAY, HONORATA ROSALES, ATANACIO
 ROSALES, GERARDO ROSALES, ARSENIA ROSALES
 and ASUNCION BRIONES, *applicants*.

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and
 the Director of Forestry, all of these in Manila,
 P. I.; the provincial fiscal of Tayabas, in Lu-
 cena, Tayabas, P. I.; the municipal council of
 Mulanay, Paz Ojeda, Raymundo Espinosa, Jose
 Rocas, the heirs of Pablo Rosales and Vicente
 Villarosa, all of these in Mulanay, Tayabas,
 P. I.; Julian Cruzado, Primo Magallanes, Fermin
 Cruzado, Lazaro Garcia, Agapito Garcia, Gra-
 ciano Garcia, the heirs of Tomas Revillosa,
 Ceferino Quizana and Jose Garcia, all of these
 in Aurora, Tayabas, P. I.; and Eugenia del
 Mundo, in Torrijos, Marinduque, P. I., and to
 all whom it may concern:

Whereas an application has been presented to this
 court by Sebastian Cuasay, Honorata Rosales, Ata-
 nacio Rosales, Gerardo Rosales, Arsenia Rosales and
 Asuncion Briones, all of these in Mulanay, Tayabas,
 P. I.; and Vicente Rosales, in Torrijos, Marinduque,
 P. I., through the attorney G. N. Trinidad, in Lu-
 cena, Tayabas, P. I., to register and confirm their
 title to the following property:

Three parcels of land, with the improvements
 thereon, situated in the barrio of Yuni, municipality
 of Mulanay, Province of Tayabas, P. I., more partic-
 ularly determined and described on the plan and
 technical descriptions attached to the records of the
 above-numbered case. The boundaries and areas of
 said parcels are as follows.

1. A parcel of land (lot No. 1, plan Psu-74969.—
 Bounded on the N., NE. and NW. by lot No. 2; on
 the SE. and S. by the Ysip Creek and property of
 Agapito Garcia; and on the SW. by the Ysip Creek,
 properties of Agapito Garcia and Jose Garcia and
 lot No. 3. Point "1" is N. 34° 01' W., 3,306.46 m.
 from B. L. B. M. No. 1, Tayuman, Mulanay. Area
 578,317 square meters.

2. A parcel of land (lot No. 2, plan Psu-74969).—
 Bounded on the NE. by property of Julian & Fermin
 Cruzado, the Owac Creek and properties of Lazaro
 Garcia & Agapito Garcia and Gerardo Rosales; on
 the SE. by property of Gerardo Rosales, the Kangabi
 Creek, property of Graciano Garcia and lot No. 1;

on the SW. by properties of Honorata Rosales,
 Gerardo Rosales and Ceferino Quizana; on the W. by
 property of Ceferino Quizana and the Owac Creek;
 and on the NW. by the Owac Creek and properties
 of Julian & Fermin Cruzado claimed by the heirs of
 Pablo Rosales and Julian & Fermin Cruzado. Point
 "1" is N. 3° 16' E., 4,258.10 m. from B. L. B. M.
 No. 1, Tayuman, Mulanay. Area 2,414,983 square
 meters.

3. A parcel of land (lot No. 3, plan Psu-74969).—
 Bounded on the NE. and E. by lot No. 1; and on the
 SW. by properties of Jose Garcia and Primo Maga-
 llanes. Point "1" is N. 43° 14' W., 3,029.07 m.
 from B. L. B. M. No. 1, Tayuman, Mulanay. Area
 27,631 square meters.

You are hereby cited to appear before the Court
 of First Instance of Tayabas, at its session to be
 held in the municipality of Lucena, Province of
 Tayabas, P. I., on the 6th day of August, A. D.
 1941, at 8 o'clock in the forenoon, to show cause,
 if any you have, why the prayer of said application
 shall not be granted; and unless you appear at the
 time and place aforesaid, your default will be re-
 corded and the said application will be taken as
 confessed, and you will be forever barred from
 contesting said application or any decree entered
 thereon.

Witness the Hon. Enrique A. Fernandez, judge
 of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
*Chief of the General Land
 Registration Office*

(3, 4)

**In the Court of First Instance, Province of
 Tayabas**

[Land Registration Case No. 3637. G. L. R. O. Record
 No. 54820]

SOTERO A. DE MESA AND IGNACIO GALA ET AL.,
applicants

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the
 Director of Forestry and the Director of Public
 Works, all of these in Manila, P. I.; the pro-
 vincial fiscal of Tayabas, in Lucena, Tayabas,
 P. I.; the municipal council of Candelaria, Maria
 Lunas, Francisco de Castro, Francisco Rodri-
 guez, Toribio de Mesa, Rufino Villadiego,
 Nazario Alcala, Leoncia Quejano, Prudencia
 Cedeño and Francisco Argao, all of these in
 Candelaria, Tayabas, P. I., and to all whom it
 may concern:

Whereas an application has been presented to this
 court by the spouses Sotero A. de Mesa and Ignacia
 Gala, Antonia Alviso and Melecio de Mesa, all of
 these in Candelaria, Tayabas, P. I., through the

attorneys De Mesa & De Mesa, in Lucena, Tayabas, P. I., to register and confirm their title to the following property:

Two parcels of land, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-103003), situated in the Poblacion, municipality of Candelaria, Province of Tayabas, P. I.—Bounded on the N. by property of Nazario Alcalá; on the E. by the Gonzales Street; on the SE. by property of Sotero de Mesa; on the S. by the Martinez Street; and on the W. by properties of Francisco Argao, Prudencia Cedeño and Leoncia Quejano. Point "1" is N. 55° 10' E., 278.82 m. from B. L. L. M. No. 6, Candelaria. Area 1,274 square meters.

2. A parcel of land (plan Psu-110638), situated in the barrio of San Andres, municipality of Candelaria, Province of Tayabas, P. I.—Bounded on the N. by property of Francisco de Castro and an irrigation ditch; on the E. and SE. by property of Rufino Villadiego; on the S. by an irrigation ditch and properties of Toribio de Mesa and Francisco Rodriguez; and on the W. by property of Francisco Rodriguez. Point "1" is N. 43° 28' E., 565.46 m. from M. B. M. No. 4, Sariaya Cadastre No. 117. Area 9,262 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 6th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 1st day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

In the Court of First Instance, Province of
Tayabas

[Land Registration Case No. 3638. G. L. R. O. Record
No. 54926]

NEMESIO ROSALES and FELISA LONTOC, applicants

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the
Director of Forestry and the Director of Public

Works, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Candelaria, Juana P. I.; the heirs of Vicente Magtibay, Julio de Javier, the heirs of Vicente Magtibay, Julio de Gala, Doroteo Capile, Estanislao Virtucio, the heirs of Santiago Abandia, Pantaleon Lucido, Primitiva Ramos, the heirs of Ramon del Rosario and Gregorio Cabuniag, all of these in Candelaria, Tayabas, P. I.; Teresa de Gala, in Sariaya, Tayabas, P. I.; the heirs of Agapita Lucido and Alejandro Simondak, all of these in Rizal, Laguna, P. I.; and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Nemesio Rosales and Felisa Lontoc, in San Juan, Batangas, P. I., through V. E. Gonzales, in San Juan, Batangas, P. I., to register and confirm their title to the following property:

Eleven parcels of land, with the improvements thereon, situated in the barrio of San Isidro, municipality of Candelaria, Province of Tayabas, P. I., more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-112071, sheet No. 1).—Bounded on the N. by lot No. 3 and property of Juan Javier; on the E. by an irrigation ditch and property of the heirs of Vicente Magtibay; on the SE. by lot No. 2; and on the SW. by an irrigation ditch and property of Teresa de Gala. Point "1" is S. 9° 16' W., 7,153.17 m. from B. L. L. M. No. 1, Candelaria. Area 2,768 square meters.

2. A parcel of land (lot No. 2, plan Psu-112071, sheet No. 1).—Bounded on the E. by an irrigation ditch and property of the heirs of Vicente Magtibay; on the S. by property of Julio de Gala; and on the NW. by lot No. 1. Point "1" is S. 9° 16' W., 7,153.17 m. from B. L. L. M. No. 1, Candelaria. Area 1,296 square meters.

3. A parcel of land (lot No. 3, plan Psu-112071, sheet No. 1).—Bounded on the N. by property of Juana Javier; on the NE. by an irrigation ditch and property of Juana Javier; and on the S. by lot No. 1. Point "1" is S. 9° 21' W., 7,125.57 m. from B. L. L. M. No. 1, Candelaria. Area 104 square meters.

4. A parcel of land (lot No. 4, plan Psu-112071, sheet No. 2).—Bounded on the N. by lot No. 11; on the E. by property of the heirs of Santiago Abandia; on the S. by property of the heirs of Ramon del Rosario; and on the SW. by a creek (no name) and property of Alejandro Simondak. Point "1" is N. 22° 31' E., 4,277.70 m. from B. L. L. M. No. 2, San Juan. Area 8,869 square meters.

5. A parcel of land (lot No. 5, plan Psu-112071,

sheet No. 2).—Bounded on the N. and SW. by property of Alejandro Simondak; and on the E. and S. by property of Pantaleon Lucido. Point "1" is S. 17° 07' E., 4,273.00 m. from B. L. L. M. No. 2, San Juan. Area 2,361 square meters.

6. A parcel of land lot No. 6, plan Psu-112071, sheet No. 2).—Bounded on the N. by lot No. 7; on the NE. by properties of the heirs of Santiago Abandia and Alejandro Simondak; on the SE. and S. by property of Alejandro Simondak; and on the SW. by the Bacong River. Point "1" is N. 15° 59' E., 4,323.90 m. from B. L. L. M. No. 2, San Juan. Area 3,544 square meters.

7. A parcel of land (lot No. 7, plan Psu-112071, sheet No. 2).—Bounded on the N. by lot No. 8; on the NE. by property of Estanislao Virtucio; on the S. by lot No. 6; and on the SW. and NW. by the Bacong River. Point "1" is N. 15° 17' E., 4,412.78 m. from B. L. L. M. No. 2, San Juan. Area 6,073 square meters.

8. A parcel of land (lot No. 8, plan Psu-112071, sheet No. 2).—Bounded on the N. by property of Doroteo Capile; on the NE. by property of Estanislao Virtucio; on the S. by lot No. 7; and on the NW. by the Bacong River. Point "1" is N. 14° 13' E., 4,409.02 m. from B. L. L. M. No. 2, San Juan. Area 2,158 square meters.

9. A parcel of land (lot No. 9, plan Psu-112071, sheet No. 3).—Bounded on the N. by property of Gregorio Cabuniag; on the SE. by lot No. 10; and on the S. by property of Pantaleon Lucido; and on the SW. by property of Primitiva Ramos. Point "1" is S. 17° 35' W., 7,597.67 m. from B. L. L. M. No. 1, Candelaria. Area 16,948 square meters.

10. A parcel of land (lot No. 10, plan Psu-112071, sheet No. 3).—Bounded on the N. by property of Gregorio Cabuniag (Bacong Creek); on the E. and SE. by the Bacong Creek; on the S. by property of Pantaleon Lucido (Bacong Creek); and on the NW. by lot No. 9. Point "1" is S. 17° 35' W., 7,597.67 m. from B. L. L. M. No. 1, Candelaria. Area 881 square meters.

11. A parcel of land (lot No. 11, plan Psu-112071, sheet No. 2).—Bounded on the N. by property of Primitiva Ramos, et al; on the E. by property of the heirs of Santiago Abandia; on the S. by lot No. 4; and on the W. by property of Pantaleon Lucido. Point "1" is N. 22° 05' E., 4,331.50 m. from B. L. L. M. No. 2, San Juan. Area 170 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 7th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the

time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 2d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(3, 4)

Registration Office.

In the Court of First Instance, Province of Tayabas

[Land Registration Case No. 3639. G. L. R. O. Record No. 54927]

REGINO GOK and BAGNIS, *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Quinayangan, Placido Isaac, Vicente Isaac, Ireneo Cadasio, Roque Cadasio and Eulalio Ilagan, all of these in Quinayangan, Tayabas, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Regino Gok and Maria Bagnis, in Guinayangan, Tayabas, P. I., through V. E. Gonzales, in San Juan, Batangas, P. I., to register and confirm their title to the following property:

A parcel of land (plan Psu-108900), with the building and improvements thereon, situated in the barrio of Capuluan, municipality of Guinayangan, Province of Tayabas, P. I.—Bounded on the NE. by property of Placido & Vicente Isaac; on the SE by property of Ireneo & Roque Cadasio; on the SW. by properties of Placido & Vicente Isaac and Eulalio Ilagan; and on the NW. by properties of Eulalio Ilagan and Ireneo & Roque Cadasio. Point "1" is S. 19° 24' E. 9,606.60 m. from B. L. L. M. No. 1, Guinayangan, Tayabas. Area 305,030 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 7th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from

contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 2d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(3, 4) *Registration Office*

In the Court of First Instance, Province of Pangasinan

[Land Registration Case No. 16987. G. L. R. O. Record No. 55190]

CIRILO CRUZ, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I.; the municipal council of Mapandan, Juan Soriano, Ricardo Bautista, Leonardo Penuliar, Mariano Nire, Catalina de Guzman, Eleno de Guzman, Mariano Visperas and Victor Camora, all of these in Mapandan, Pangasinan, P. I.; Antonio Soriano y Estrada and Andrea Tolentino, these two in Amanoaoac, Mapandan, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Cirilo Cruz, in Amanoaoac, Mapandan, Pangasinan, P. I., through the attorney Domingo V. Frianeza, in Mangaldan, Pangasinan, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-98247), situated in the barrio of Manaoac, municipality of Mapandan, Province of Pangasinan, P. I.—Bounded on the NE. by a callejon; on the SE. by properties of Mariano Nire and Andres Raguindin (now Catalina de Guzman); on the SW. by properties of Eleno de Guzman and Mariano Visperas; and on the NW. by properties of Alejandro Visperas (now Victor Camora) and Ricardo Bautista & Leonardo Penuliar. Point "1" is S. 30° 57' W., 1,719.56 m. from B. L. L. M. No. 1, Mapandan. Area 24,028 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province of Pangasinan, P. I., on the 6th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you

appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Alfonso Felix, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 2d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(3, 4) *Registration Office*

In the Court of First Instance, Province of Pangasinan

[Land Registration Case No. 16988. G. L. R. O. Record No. 55191]

MUNICIPAL GOVERNMENT OF CALASIAO, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the Roman Catholic Bishop of Lingayen, in Lingayen, Pangasinan, P. I.; Gregorio Gonzales, Pedro Sapiera, Rosendo Reyes, Maria de Vera, Maria Arenas, Severino Arenas, Jorge Arenas, Olimpio Arenas, Saturnino Nota, Vicente Andaya, Venancio de la Cruz, Juan Siapno, Juan de Vera, Trinidad Quinto, Alejandro Guarin, Gregorio Layno, Maria Junatas, Emeteria Corpuz, the heirs of Vicente Murong, all of these in Calasiao, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipal government of Calasiao, in Calasiao, Pangasinan, P. I., through the provincial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I., to register and confirm its title to the following property:

Eight parcels of land, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows;

1. A parcel of land (lot No. 1, plan Psu-112410, sheet No. 1), situated in the barrio of Banaoang, municipality of Calasiao, Province of Pangasinan, P. I.—Bounded on the NE. by property of the municipal government of Calasiao (school site); on the SE. by properties of the municipal Government of Calasiao (school site) and the municipal Government of Calasiao; on the S. by property of Pedro Sapiera; on the SW. by property of Rosendo Reyes; and on the NW. by properties of Rosendo Reyes and Gregorio Gonzales. Point "1" is N. 82° 26' W.,

1,988.09 m. from B. L. L. M. No. 1, Calasiao, Pangasinan. Area 4,390 square meters.

2. A parcel of land (lot No. 2, plan Psu-112410, sheet No. 2), situated in the barrio of Dinalaoan, municipality of Calasiao, Province of Pangasinan, P. I.—Bounded on the NE. by properties of Olimpio Arenas, Saturnino Nota and Maria de Vera; on the SE. by properties of Maria Arenas and Severino Arenas; on the SW. by properties of Jorge Arenas and the municipal government of Calasiao (school site); and on the NW. by property of the municipal government of Calasiao (school site) and a barrio road. Point "1" is S. 50° 32' W., 2,064.43 m. from B. L. L. M. No. 1, Calasiao, Pangasinan. Area 7,115 square meters.

3. A parcel of land (lot No. 3, plan Psu-112410, sheet No. 3), situated in the barrio of Ambuetel, municipality of Calasiao, Province of Pangasinan, P. I.—Bounded on the NE. by property of the municipal government of Calasiao (school site); on the SE. by property of Venancio de la Cruz; on the SW. by a barrio road; and on the NW. by property of Vicente Andaya. Point "1" is S. 42° 42' W., 3,279.77 m. from B. L. L. M. No. 1, Calasiao, Pangasinan. Area 4,504 square meters.

4. A parcel of land (lot No. 4, plan Psu-112410, sheet No. 4), situated in the barrio of Nagsaing, municipality of Calasiao, Province of Pangasinan, P. I.—Bounded on the NE. by property of the municipal Government of Calasiao (school site); on the SE. by a barrio road and property of Juan Siapno; on the SW. by property of Juan de Vera; and on the NW. by a barrio road. Point "1" is S. 88° 05' W., 1,649.96 m. from B. L. B. M. No. 1, Malabago, Calasiao, Pangasinan. Area 2,843 square meters.

5. A parcel of land (lot No. 5, plan Psu-112410, sheet No. 5), situated in the barrio of Buenlag, municipality of Calasiao, Province of Pangasinan, P. I.—Bounded on the NE. by the provincial road; on the SE. by properties of the municipal government of Calasiao (old Buenlag School Site) and Trinidad Quinto; on the SW. by a barrio road; on the W. by property of Alejandro Guarin; and on the NW. by properties of Gregorio Layno and Damaso Lafuente. Point "1" is N. 41° 52' W., 3,980.91 m. from B. L. B. M. No. 1, Nansangaan, Calasiao. Area 11,501 square meters.

6. A parcel of land (lot No. 6, plan Psu-112410, sheet No. 6), situated in the barrio of Bued, municipality of Calasiao, Province of Pangasinan, P. I.—Bounded on the NE. by properties of the heirs of Vicente Zapanta and Maria Junatas; on the SE. by property of the municipal government of Calasiao (Old Bued School Site); on the SW. by property of Jose Parayno; and on the NW. by property of Emeteria Corpuz. Point "1" is N. 54° 11' E.,

1,756.44 m. from B. L. L. M. No. 2, Calasiao, Pangasinan. Area 2,258 square meters.

7. A parcel of land (lot No. 7, plan Psu-112410, sheet No. 6), situated in the barrio of Bued, municipality of Calasiao, Province of Pangasinan, P. I.—Bounded on the NE. by property of the municipal government of Calasiao (Old Bued School Site); on the SE. by the National Road; on the SW. by property of the heirs of Juan Junatas; and on the W. by property of Jose Parayno. Point "1" is N. 57° 11' E., 1,709.27 m. from B. L. L. M. No. 2, Calasiao, Pangasinan. Area 1,523 square meters.

8. A parcel of land (lot No. 8, plan Psu-112410, sheet No. 6), situated in the barrio of Bued, municipality of Calasiao, Province of Pangasinan, P. I.—Bounded on the NE. by property of Romana Muyrong; on the SE. by the National Road; and on the SW. and NW. by property of the municipal government of Calasiao (Old Bued School Site). Point "1" is N. 57° 46' E., 1,786.29 m. from B. L. L. M. No. 2, Calasiao, Pangasinan. Area 744 square meters.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province of Pangasinan, P. I., on the 6th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Alfonso Felix, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 2d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

(3, 4)

In the Court of First Instance, Province of Pangasinan

[Land Registration Case No. 16989. G. L. R. O. Record No. 55192]

FELICIANO N. BAÑEZ, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I.; the municipal council of Binmaley, Engracio Bañez and Andres Ferrer, all of these in Binmaley, Pangasinan, P. I.; Dominga Abalos Santos, Anacleto Abalos, Juan Abalos, Teodoro Manuel, Pascual Manuel, Bernabe Martin,

Regino de la Cruz, Doroteo Manuel, Julian Rosario, Isaac Cagaoan, Filomeno de la Cruz, Maria Lomibao, Agapito Cerezo, the heirs of Nicolas Abalos, Urbano Estrada and Antonino Manuel, all of these in the barrio of Basing, Binmaley, Pangasinan, P. I.; Ignacio Sison, in Manat, Binmaley, Pangasinan, P. I.; the heirs of Loduvico de Leon, Ricardo Fernandez, Esteban Bautista, Hilario Campos, Alfonso Campos, Epifania Campos, Felipa Campos and Aniceto Campos, all of these in the barrio of Nagpalangan, Binmaley, Pangasinan, P. I.; Vicente Bengzon and Constancia Gloria, these two in Lingayen, Pangasinan, P. I.; Roman Cuison and Natalia Poco, these two in Dagupan, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Feliciano N. Bañez, in Dagupan, Pangasinan, P. I., to register and confirm his title to the following property:

Five parcels of land with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-112943), situated in the barrio of Nagpalangan, municipality of Binmaley, Province of Pangasinan, P. I.—Bounded on the NE. by properties of Ricardo Fernandez and Jacinto Pabia (before) Ricardo Fernandez (now); on the S. by properties of Ignacio Sison and Ricardo Fernandez; on the SW. by properties of Esteban Bautista, Hilario, Alfonso, Epifania & Felipa Campos and Ricardo Fernandez; and on the NW. by lot No. 2 and property of the heirs of Loduvico de Leon. Point "1" is S. 73° 17' E., 1,098.02 m. from B. L. B. M. No. 2, Lomboy, Binmaley, Pangasinan. Area 90,382 square meters.

2. A parcel of land (lot No. 2, plan Psu-112943), situated in the barrio of Nagpalangan, municipality of Binmaley, Province of Pangasinan, P. I.—Bounded on the SE. and S. by lot No. 1; and on the NW. by the Nagpalangan River. Point "1" is S. 74° 02' E., 1,035.19 m. from B. L. B. M. No. 2, Lomboy, Binmaley, Pangasinan. Area 7,371 square meters.

3. A parcel of land (lot No. 1, plan Psu-112944), situated in the barrio of Basing, municipality of Binmaley, Province of Pangasinan, P. I.—Bounded on the N. by properties of Doroteo Manuel & Julian Rosario and Isaac Cagaoan & Filomeno de la Cruz; on the NE. by properties of Bernabe Martin, Maria Lomibao, Agapito Cerezo and Engracio Bañez; on the SE. by lot No. 2 and properties of the heirs of Nicolas Abalos and Andres Ferrer; on the S. by lot No. 3; on the SW. by properties of Urbano Estrada & Antonino Manuel, Teodulo Manuel and Pascual

Manuel; and on the NW. by properties of Bernabe Martin and Regino de la Cruz. Point "1" is S. 2° 30' E., 5,510.50 m. from B. L. M. No. 1, Binmaley. Area 169,254 square meters.

4. A parcel of land lot No. 2, plan Psu-112944), situated in the barrio of Basing, municipality of Binmaley, Province of Pangasinan, P. I.—Bounded on the E. and SE. by property of the heirs of Nicolas Abalos; and on the SW. and NW. by lots No. 1. Point "1" is S. 2° 30' E., 5,510.50 m. from B. L. L. M. No 1, Binmaley. Area 1,592 square meters.

5. A parcel of and (lot No. 3, plan Psu-112944), situated in the barrio of Basing, municipality of Binmaley, Province of Pangasinan, P. I.—Bounded on the NE. and NW. by lot No. 1; and on the S. by property of Anacleto Abalos & Juan Abalos. Point "1" is S. 0° 16' E., 5,637.31 m. from B. L. L. M. No. 1, Binmaley. Area 1,454 square meters.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province of Pangasinan, P. I., on the 6th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Alfonso Felix, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 2d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land
Registration Office

(3, 4)

In the Court of First Instance, Province of Pangasinan

[Land Registration Case No. 16991. G. L. R. O. Record
No. 55194]

PAULA BADIOLA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Pangasinan, in Lingayen, Pangasinan, P. I.; the municipal council of San Nicolas, Florentina Bidaña and Baldomero Serquiña, all of these in San Nicolas, Pangasinan, P. I.; Juan Rodillas, Paulina de la Cruz, Agrifino Ora, Claudio Serquiña and Donato Marquez, all of these in the barrio of San

Rafael, San Nicolas, Pangasinan, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Paula Badiola, in San Nicolas, Pangasinan, P. I., through the attorneys Rupisan & Ramirez, in Lingayen, Pangasinan, P. I., to register and confirm her title to the following property:

A parcel of land (plan Psu-109140), situated in the barrio of San Rafael, municipality of San Nicolas, Province of Pangasinan, P. I.—Bounded on the NE., by property of Juan Rodillas; on the SE. by the Ambayoan River; on the SW. and W. by property of Paulina de la Cruz; and on the NW. by properties of Agrifino Ora, Claudio Serquiña and Donato Marquez. Point "1" is N. 27° 23' E., 1,392.90 m. from B. L. B. M. No. 1, San Rafael, San Nicolas, Pangasinan. Area 47,719 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pangasinan, at its session to be held in the municipality of Lingayen, Province of Pangasinan, P. I., on the 6th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Alfonso Felix, judge of said court, the 4th day of June, in the year 1941.

Issued at Manila, P. I., this 2nd day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(3, 4)

In the Court of First Instance, Province of
Batangas

[Land Registration Case No. 1270. G. L. R. O. Record
No. 55211]

RUFINA PAÑGANIBAN VDA. DE LEVISTE, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, the Director of Public Works and the Manager of the Manila Railroad Co., all of these in Manila, P. I.; the provincial fiscal of Batangas, in Batangas, Batangas, P. I.; the municipal council of Rosario, Gregorio Manigbas, the Batangas Ice Plant c/o Teodoro Semana, Gregoria Mendoza, Arcadia Masacayan, Nepomuceno Magsino, Francisco Agulo, Antonina Pondido, Pio Batangas, P. I.; the municipal

council of Malvar, Crisanta Villegas, Pio Platon, Mariano R. Lat, Crisanto Villegas, Francisco Endaya, Fortunato Lucido and Enrique Topacio, all of these in Malvar, Batangas, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Rufina Pañganiban Vda. de Leviste, in Malvar, Batangas, P. I., through the attorney W. L. Cornejo, in 3d Floor, Philippine National Bank Building, Escolta, Manila, P. I., to register and confirm her title to the following property:

Five parcels of land, with the building and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-99190), situated in the Poblacion, municipality of Rosario, Province of Batangas, P. I.—Bounded on the N. by property of Gregorio Manigbas; on the E. by the provincial road; on the S. by property of Gregoria Mendoza; on the W. by property of Pio Inandan; and on the NW. by property of the heirs of Pio Masacayan. Point "1" is S. 87° 23' W., 471.09 m. from B. L. L. M. No. 2, Roasrio, Batangas. Area 1,635 square meters.

2. A parcel of land (lot No. 1, plan Psu-113309, sheet No. 1), situated in the barrio of San Pioquinto, municipality of Malvar, Province of Batangas, P. I.—Bounded on the NE. by lot No. 2; on the SE. by property of Pio Platon; on the SW. by properties of Mariano R. Lat and the Manila Railroad Co.; and on the NW. by property of Crisanta Villegas. Point "1" is N. 18° 36' W., 979.76 m. from B. L. L. M. No. 1, Malvar. Area 8,298 square meters.

3. A parcel of land (lot No. 2, plan Psu-113309, sheet No. 1), situated in the barrio of San Pioquinto, municipality of Malvar, Province of Batangas, P. I.—Bounded on the NE. by the National Road; on the SE. by property of Pio Platon; on the SW. by lot No. 1; and on the NW. by property of Crisanta Villegas. Point "1" is N. 18° 36' W., 979.76 m. from B. L. L. M. No. 1, Malvar. Area 185 square meters.

4. A parcel of land (lot No. 3, plan Psu-113309, sheet No. 2), situated in the Poblacion, municipality of Malvar, Province of Batangas, P. I.—Bounded on the NE. by lot No. 4; on the SE. by property of Fortunato Lucido; on the SW. by properties of Fortunato Lucido and Enrique Topacio; and on the NW. by property of Francisco Endaya. Point "1" is S. 7° 31' E., 109.59 m. from B. L. L. M. No. 1, Malvar. Area 786 square meters.

5. A parcel of land (lot No. 4, plan Psu-113309, sheet No. 2), situated in the Poblacion, municipality of Malvar, Province of Batangas, P. I.—Bounded

on the NE. by the National Road; on the SE. by property of Fortunato Lucido; on the SW. by lot No. 3; and on the NW. by property of Francisco Endaya. Point "1" is S. 7° 31' E., 109.59 m. from B. L. L. M. No. 1, Malvar. Area 64 square meters.

You are hereby cited to appear before the Court of First Instance of Batangas, at its session to be held in the municipality of Batangas, Province of Batangas, P. I., on the 8th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Mariano L. de la Rosa, judge of said court, the 3d day of June, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(3, 4)

**In the Court of First Instance, Province of
Tayabas**

[Land Registration Case No. 3640. G. L. R. O. Record
No. 54928]

HIGINO SALES ET AL., *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Candelaria and Gregorio Cabunyag, these two in Candelaria, Tayabas, P. I.; Gregorio Sales, Pedro Gonzales, Leodovico Perez and Buenaventura Adan, all of these in San Juan, Batangas, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the minors Higinio Sales, Justino Gallardo Sales, Rechilda Concepcion Sales, Damasa Lydia Sales and Rodolfo Sales, all of these in San Juan, Batangas, P. I., through their Administrator Jaudines Sales, in San Juan, Batangas, P. I., to register and confirm their title to the following property:

A parcel of land (plan Psu-110360), with the improvements thereon, situated in the barrio of San Isidro, municipality of Candelaria, Province of Tayabas, P. I.—Bounded on the N. and NW. by property of Gregorio Sales; on the NE. by properties of Gregorio Sales and Jaudines Sales; on the E. by property of Pedro Gonzales; on the S. by property of Leodovico Perez; on the SW. by property of Buenaventura Adan; and on the W. by property of Gregorio Cabunyag. Point "1" is N. 37° 04' E.,

2,194.37 m. from B. L. L. M. No. 2, Bolbok. Area 43,140 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 8th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(3, 4)

**In the Court of First Instance, Province of
Tayabas**

[Land Registration Case No. 3641. G. L. R. O. Record
No. 54929]

JAUDINES SALES, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Candelaria, Isabel de la Cruz and Pedro Gonzales, all of these in Candelaria, Tayabas, P. I.; the heirs of Higinio Sales c/o Jaudines Sales and Gregorio Sales, all of these in San Juan, Batangas, P. I.; and Miguel Santa Maria, in the barrio of Manguiring, Calabanga, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Jaudines Sales, in San Juan, Batangas, P. I., to register and confirm his title to the following property:

Two parcels of land, with the improvements thereon, situated in the barrio of San Isidro, municipality of Candelaria, Province of Tayabas, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-110362).—Bounded on the N. by property of Gregorio Sales; on the NE. by lot No. 2; on the E. by property of

Pedro Gonzales; on the S. by property of the heirs of Higino Sales; and on the W. by properties of the heirs of Higino Sales and Gregorio Sales. Point "1" is N. 35° 43' E., 2,268.84 m. from B. L. L. M. No. 2, San Juan, Batangas. Area 65,925 square meters.

2. A parcel of land (lot No. 2, plan Psu-110362).—Bounded on the N. by property of Isabel de la Cruz; on the E. by property of Pedro Gonzales; and on the S. and W. by lot No. 1. Point "1" is N. 31° 49' E., 2,633.18 m. from B. L. L. M. No. 2, San Juan, Batangas. Area 5,890 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 8th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(3, 4)

Registration Office

In the Court of First Instance, Province of Cebu

[Land Registration Case No. 498. G. L. R. O. Record No. 53802]

MUNICIPALITY OF SAN FERNANDO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, and the Roman Catholic Archbishop of Cebu, these two in Cebu, Cebu, P. I.; and Basilisa Duterte, in San Fernando, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this Court by the municipality of San Fernando, through its mayor, in San Fernando, Cebu, P. I., to register and confirm its title to the following property:

A parcel of land (lot No. 1, plan Psu-106715), with the improvements thereon, situated in the Poblacion, municipality of San Fernando, Province of Cebu, P. I.—Bounded on the NE. by property of Basilisa Duterte; on the SE. by lot No. 2 claimed by the Commonwealth of the Philippines; on the SW. by property of the municipal government of San

Fernando; and on the NW. by the Yangyang Street. Point "1" is N. 37° 38' E., 306.78 m. from B. L. L. M. No. 1, San Fernando. Area 2,061 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 11th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

(4, 5)

In the Court of First Instance, Province of Cebu

[Land Registration Case No. 511. G. L. R. O. Record No. 54503]

MUNICIPALITY OF ALCANTARA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, in Cebu, Cebu, P. I.; the heirs of Melecio Lambo, Lucio Juarez and Consorcia de Lambo, all of these in Candabong, Alcantara, Cebu, P. I.; Santiago Pecdol, in Alcantara, Cebu, P. I.; and the Roman Catholic Archbishop of Cebu, in Cebu, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipality of Alcantara, through its mayor, in Alcantara, Cebu, P. I., to register and confirm its title to the following property:

Two parcels of land, with the building and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-109915), situated in the barrio of Candabong, municipality of Alcantara, Province of Cebu, P. I.—Bounded on the N. and NE. by property of Lucio Juarez; on the SE.

by properties of Lucio Juarez and Consorcio de Lambo; on the S. by property of Conorcio de Lambo; and on the NW. by properties of Consorcio de Lambo and Lucio Juarez. Point "1" is N. 41° 57' E., 3,853.00 m. from B. L. L. M. No. 1, Moalboal, Cebu. Area 11,682 square meters.

2. A parcel of land (plan Psu-109916), situated in the barrio of Palanas, municipality of Alcantara, Province of Cebu, P. I.—Bounded on the N., E., S. and W. by property of the municipal government of Alcantara; and on the SE. by property of the municipal government of Alcantara (school site). Point "1" is N. 17° 14' E., 4,293.90 m. from B. L. L. M. No. 1, Moalboal, Cebu. Area 16,864 square meters.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 12th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office

(4, 5)

In the Court of First Instance, Province of Cebu

Land Registration Case No. 524. G. L. R. O. Record No. 55026]

MUNICIPALITY OF BADIAN, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, in Cebu, Cebu, P. I.; Vicente Navarro, Porfirio Visitacion, Perfecto Verginteños, Fortunata Taboada, Tecla Navarro, Isidoro Llavan, Juan Rodini, Crispulo Dacillo, Tranquilino Agravante, Tomas Dalocanog, the heirs of Baldomera Abenturado and Anselmo Abenturado, all of these in Badian, Cebu, P. I.; and the Roman Catholic Archbishop of Cebu, in Cebu, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipality of Badian, through its

mayor, in Badian, Cebu, P. I., to register and confirm its title to the following property:

Three parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-112082, sheet No. 1), situated in the Poblacion, municipality of Badian, Province of Cebu, P. I.—Bounded on the NE. by properties of Vicente Navarro, Porfirio Visitacion and Perfecto Verginteños; on the SE. by properties of Fortunata Taboada and Tecla Navarro; on the SW. by the properties of Tecla Navarro and Isidoro Llavan; and on the NW. by the Provincial Road to Moalboal. Point "1" is S. 55° 18' W., 1,017.60 m. from B. L. L. M. No. 2, Badian, Cebu. Area 36,309 square meters.

2. A parcel of land (lot No. 2, plan Psu-112082, sheet No. 2), situated in the barrio of Taytay, municipality of Badian, Province of Cebu, P. I.—Bounded on the N. and W. by property of Tranquilino Agravante; on the NE. by property of Juan Rodini & Crispulo Dacillo; and on the SW. by properties of Tranquilino Agravante and Tomas Dalocanog. Point "1" is S. 18° 26' E., 2,572.24 m. from B. L. L. M. No. 2, Badian, Cebu. Area 17,227 square meters.

3. A parcel of land (lot No. 3, plan Psu-112082, sheet No. 3), situated in the barrio of Tigbaw, municipality of Badian, Province of Cebu, P. I.—Bounded on the N. and SW. by property of the heirs of Baldomera Abenturado; on the NE. by properties of the heirs of Baldomera Abenturado and Anselmo Abenturado; and on the S. by property of Anselmo Abenturado. Point "1" is N. 55° 59' E., 5,613.57 m. from B. L. L. M. No. 1, Badian, Cebu. Area 10,000 square meters.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 14th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land

(4, 5)

Registration Office

**In the Court of First Instance, Province of
Cebu**

[Land Registration Case No. 525. G. L. R. O. Record
No. 55041]

MUNICIPALITY OF MOALBOAL, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, and the Roman Catholic Archbishop of Cebu, these two in Cebu, Cebu, P. I.; Saturnino Eusares, Pastor Pableo, Eustaquio Abrenica, Ricardo Abrenica, Esteban Sabella, Andres Gaballo, Isidoro Tabañag, Remigio Calomboy, Jose Cornado, Dionisio Temblor, Tranquilino Puk-ong, Leon Babiera, Manuel Gabato, Dionisio Visitacion and Teodoro Gababat, all of these in Moalboal, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipality of Moalboal, through its mayor, in Moalboal, Cebu, P. I., to register and confirm its title to the following property:

Five parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-112083, sheet No. 1), situated in the barrio of Basdiot, municipality of Moalboal, Province of Cebu, P. I.—Bounded on the NE. by properties of Saturnino Eusares and Pastor Pableo; on the SE. by properties of Pastor Pableo and Eustaquio Abrenica; on the SW. by property of Eustaquio Abrenica; and on the NW. by properties of Ricardo Abrenica and Saturnino Eusares. Point "1" is N. 61° 55' W., 2,066.57 m. from B. L. L. M. No. 2, Moalboal, Cebu. Area 10,003 square meters.

2. A parcel of land (lot No. 2, plan Psu-112083, sheet No. 2), situated in the barrio of Busay, municipality of Moalboal, Province of Cebu, P. I.—Bounded on the N. and SE. by properties of Esteban Sabella; on the NE. by properties of Andres Gaballo and Esteban Sabella; on the SW. by property of Isidoro Tabañag; and on the NW. by properties of Remigio Calomboy and Esteban Sabella. Point "1" is N. 27° 03' E., 5,872.00 m. from B. L. L. M. No. 1, Badian, Cebu. Area 15,352 square meters.

3. A parcel of land (lot No. 3, plan Psu-112083, sheet No. 3), situated in the barrio of Buguil, municipality of Moalboal, Province of Cebu, P. I.—Bounded on all sides by property of Jose Cornado. Point "1" is N. 51° 59' E., 11,124.50 m. from B.

L. L. M. No. 1, Badian, Cebu. Area 10,698 square meters.

4. A parcel of land (lot No. 1, plan Psu-112084), sheet No. 1), situated in the barrio of Saavedra, municipality of Moalboal, Province of Cebu, P. I.—Bounded on the SE. by property of the municipal government of Moalboal (school site); on the SW. by properties of Tranquilino Puk-ong and Leon Babiera; on the W. by property of Leon Babiera; and on the NW. by property of Dionisio Temblor. Point "1" is N. 20° 25' W., 4,962.00 m. from B. L. L. M. No. 1, Moalboal, Cebu. Area 1,983 square meters.

5. A parcel of land (lot No. 2, plan Psu-112084), sheet No. 2), situated in the barrio of Bugho, municipality of Moalboal, Province of Cebu, P. I.—Bounded on the NE. by property of Manuela Gabato; on the SE. by property of the municipal government of Moalboal; on the S. by the provincial road to Moalboal; on the W. by property of Dionisio Visitacion & Teodoro Gababat; and on the NW. by property of Teodoro Gababat. Point "1" is N. 73° 58' E., 2,345.58 m. from B. L. L. M. No. 1, Moalboal, Cebu. Area 5,161 square meters.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 15th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(4, 5)

Registration Office

**In the Court of First Instance, Province of
Camarines Sur**

[Land Registration Case No. 1034. G. L. R. O. Record
No. 55164]

BENITA PARAÑAL, applicant

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Nabua, Lope Aguila, Juan Huelbes, Felipe Ducot, Maria Gurabat, Anselmo Nierva, Nazario Acabado and Manuel Llorente, all of these in Nabua, Camarines Sur, P. I.;

and Apolonio Abanes, in La Opinion, Nabua, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Benita Parañal, in La Opinion, Nabua, Camarines Sur, P. I., through the attorney Juan B. Ballecer, in Nabua, Camarines Sur, P. I., to register and confirm her title to the following property:

A parcel of land (plan Psu-109115), situated in the barrio of La Opinion, municipality of Nabua, Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Lope Aguila and Juan Huelbes; on the SE. by properties of Felipe Ducot and Maria Gurabat; on the W. by properties of Anselmo Nierva and Nazario Acabado; and on the NW. by property of Manuel Llorente. Point "1" is S. 26° 02' W., 1,943.26 m. from B. L. L. M. No. 1, Bato, Camarines Sur. Area 75,270 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 11th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

**In the Court of First Instance, Province of
Camarines Sur**

[Land Registration Case No. 1035. G. L. R. O. Record
No. 55165]

SY CHONG and DY CHOON BOAN, *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry, and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Iriga, Benjamin E. Dy Liacco, Leona Sepe, Pio Blanco and Go Yui, all of these in Iriga, Ca-

marines Sur, P. I.; Joaquin Mendez, c/o P. O. Box No. 2825, Manila, P. I.; Go Sui Ching, on Soler Street No. 222, Manila, P. I.; and Hermenegildo Balpermoso, in Buhi, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Sy Chong, in Iriga, Camarines Sur, P. I., and Dy Choon Boan, on Soler Street No. 222, Manila, P. I., through the attorney Cosme C. Gonowon, in Iriga, Camarines Sur, P. I., to register and confirm their title to the following property:

A parcel of land (plan Psu-52470), situated in the Poblacion, municipality of Iriga, Province of Camarines Sur, P. I.—Bounded on the N. by the Iriga-Buhi Provincial Road; on the SE. by property of Hermenegildo Balpermoso; on the SW. by an irrigation ditch and property of Pio Blanco; and on the NW. by property of Joaquin Mendez. Point "1" is N. 81° 31' E., 284.37 m. from B. L. L. M. No. 1, Iriga, Camarines Sur. Area 261 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the record of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 12th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941.

Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

**In the Court of First Instance, Province of
Camarines Sur**

[Land Registration Case No. 1036. G. L. R. O. Record
No. 55166]

DIOSDADO EVANGELISTA AND ISABEL DE LA CONCEPCION, *applicants*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, the municipal

council of Naga, Concepcion Abella Vda. de Diaz, Cristeta Vda. de Maravilla, Macario Prieto, and Francisco de la Concepcion, all of these in Naga, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Diosdado Evangelista and Isabel de la Concepcion, on San Andres Street No. 238, Malate, Manila, P. I., to register and confirm their title to the following property:

Two parcels of land, with the buildings and improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-88881), situated in the barrio of Bagong-Bayan, municipality of Naga, Province of Camarines Sur, P. I.—Bounded on the NE. by property of Concepcion Abella Vda. de Diaz; on the SE. by the Jacob Street; on the SW. by properties of Diosdado Evangelista & Isabel de la Concepcion and Macario Prieto; and on the NW. by properties of Cristeta Vda. de Maravilla and Concepcion Abella Vda. de Diaz. Point "1" is N. 26° 57' E., 943.20 m. from B. L. L. M. No. 2, Naga. Area 1,321 square meters.

2. A parcel of land (plan Psu-107528), situated in the barrio of Bagumbayan, municipality of Naga, Province of Camarines Sur, P. I.—Bounded on the NE. by properties of Diosdado Evangelista & Isabel de la Concepcion; on the SE. by the Jacob Street; on the SW. by property of Francisco de la Concepcion; and on the NW. by property of Macario Prieto. Point "1" is N. 26° 57' E., 943.20 m. from B. L. L. M. No. 2, Naga, Camarines Sur. Area 841 square meters.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 12th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941. Issued at Manila, P. I., this 3d day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

(4,5)

In the Court of First Instance, Province of Pampanga

[Land Registration Case No. 1875. G. L. R. O. Record No. 55234]

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila P. I.; the provincial fiscal of Pampanga, in San Fernando, Pampanga, P. I.; the municipal council of Santa Rita and Procesa Guanzon Pineda, these two in Santa Rita, Pampanga, P. I.; Pablo Glosioko, Emiliano Bondoc, Lorenzo Pecson, Jose Carpio, Amparo Joven Keyser, Ceferino Laxamana and Jose de Leon, all of these in San Juan, Santa Rita, Pampanga, P. I.; Maria Paz David, on Cabildo Street No. 292, Intramuros, Manila, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Cesario de Dios, on Cabildo Street No. 292, Intramuros, Manila, P. I., through the attorney Jose G. Advincula c/o City Hall, in Manila, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-112473), situated in the barrio of San Juan, municipality of Santa Rita, Province of Pampanga, P. I.—Bounded on the NE. by a canal and properties of Pablo Glosioko (now) Braulio Pineda (before); and Emiliano Bondoc; on the SE. by property of Emiliano Bondoc; on the SW. by properties of Lorenzo Pecson, Jose Carpio and Amparo Joven Keyser; and on the NW. by properties of Ceferino Laxamana, Jose Carpio and Jose de Leon. Point "1" is S. 8° 57' W., 366.41 m. from M. B. M. No. 20, Bacolor Cadastre No. 73. Area 27,347 square meters.. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Pampanga, at its session to be held in the municipality of San Fernando, Province of Pampanga, P. I., on the 11th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose Ma. Paredes, judge of said court, the 7th day of June, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

*Chief of the General Land
Registration Office*

(4, 5)

In the Court of First Instance, Province of
Tayabas

[Land Registration Case No. 3642. G. L. R. O. Record
No. 54991]

ANTONIO ROBLES, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Guinayangan, in Guinayangan, Tayabas, P. I.; Eugenia de Ramos, Valentin Robles and Pedro Masangkay, all of these in Tiaong, Tayabas, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Antonio Robles, in Tiaong, Tayabas, P. I., through the attorney Cecilio L. Maneja, on Rebellin Street No. 136, Santa Ana, Manila, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-60294), situated in the barrio of Tagcawayan Bato, municipality of Guinayangan, Province of Tayabas, P. I.—Bounded on the NE. by the Mabahan River; on the SE. by property of Pedro Masangkay; on the SW. by the Didiclim River; and on the NW. by the Didiclim River, property of Valentin Robles and the Mabahan River. Point "1" is N. 20° 53' E., 4,499.93 m. from B. L. L. M. No. 17, Guinayangan. Area 1,500,002 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 11th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

*Chief of the General Land
Registration Office*

(4, 5)

In the Court of First Instance, Province of
Tayabas

[Land Registration Case No. 3643. G. L. R. O. Record
No. 54992]

EUFRASIO DINGLASAN and REMEDIOS SALAZAR
applicants

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Candelaria, Manuel del Valle, Dionisio de Gala, Estanislao Virtucio and the heirs of Benigno Nadres, all of these in Candelaria, Tayabas, P. I.; Francisco Rodriguez, in Sariaya, Tayabas, P. I.; Jose Fernandez and Enrique Bautista, these two in San Pablo, Laguna, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Eufrazio Dinglasan and Remedios Salazar, in Candelaria, Tayabas, P. I., through the attorney Regino B. Aro, in Candelaria, Tayabas, P. I. to register and confirm their title to the following property:

Two parcels of land, with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 4, plan Psu-64334, sheet No. 4) (SWO-15668), situated in the barrio of Quinatihan, municipality of Candelaria, Province of Tayabas, P. I.—Bounded on the NE., SW. and W. by properties of Manuel del Valle; on the E. by a barroi road; on the S. by property of Francisco Rodriguez and an old irrigation canal; and on the NW. by property of Manuel del Valle, an old irrigation canal and property of Dionisio de Gala. Point "1" is S. 42° 50' W., 4,693.33 m. from B. L. L. M. No. 1, Candelaria. Area 101,851 square meters.

2. A parcel of land (plan Psu-99913), situated in the barrio of Bucal, municipality of Candelaria, Province of Tayabas, P. I.—Bounded on the NE. by property of Jose Fernandez (before) Enrique Bautista (now); on the SE. by the Sapang Calamil Na Munte; on the SW. by property of Jose Fernandez (before) Eufrazio Dinglasan (now); and on the NW. by the Sapang Calamil and a sapa. Point "1" is N. 53° 28' W., 3,118.36 m. from B. L. L. M. No. 6, Candelaria. Area 59,804 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be

held in the municipality of Lucena, Province of Tayabas, P. I., on the 11th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

(4, 5) *Registration Office*

**In the Court of First Instance, Province of
Tayabas**

[Land Registration Case No. 3650. G. L. R. O. Record
No. 55143]

PATERNIO CHOMACERA and JACINTA ALLERMO,
applicants

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Tiaong, Ponciano Añonuevo, Juana Añonuevo, Luis Maralit and Melanio Aranza, all of these in Tiaong, Tayabas, P. I.; Miguel Alimagno, Maria Maralit and Manuel del Valle, all of these in Candelaria, Tayabas, P. I.; Juana Allasas, Leodegario Calabia & Wife and Jose Alvero, all of these in San Pablo, Laguna, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the spouses Paterno Chomacera and Jacinta Allermo, in the barrio of Lusacan, Tiaong, Tayabas, P. I., to register and confirm their title to the following property:

Eight parcels of land, with improvements thereon, situated in the barrio of Tagbakin, municipality of Tiaong, Province of Tayabas, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-113572).—Bounded on the NE. by the Quipot Danay Creek and lot No. 6; on the SE. by a creek, property of Juana Allasas and irrigation ditches; on the SW. by an irrigation ditch and property of Juana Allasas; and on the NW. by property of Juana Añonuevo, the Tuguan Creek and lots Nos. 2, 3, 4

and 5. Point "1" is S. 54° 56' W. 6,363.43 m. from B. L. L. M. No. 6, Candelaria. Area 44,870 square meters.

2. A parcel of land (lot No. 2, plan Psu-113572).—Bounded on the N. and NE. by the Tuguan Creek; and on the S. by lot No. 1. Point "1" is S. 54° 42' W., 6,225.43 m. from B. L. L. M. No. 6, Candelaria. Area 15 square meters.

3. A parcel of land (lot No. 3, plan Psu-113572).—Bounded on the N., NE. and NW. by the Tuguan Creek; and on the S. by lot No. 1. Point "1" is S. 54° 15' W., 6,117.71 m. from B. L. L. M. No. 6, Candelaria. Area 33 square meters.

4. A parcel of land (lot No. 4, plan Psu-113572).—Bounded on the SE. by lot No. 1; and on the NW. by the Tuguan Creek. Point "1" is S. 53° 27' W., 6,105.29 m. from B. L. L. M. No. 6, Candelaria. Area 11 square meters.

5. A parcel of land (lot No. 5, plan Psu-113572).—Bounded on the NE. by the Tuguan Creek; and the Quipot Danay Creek; on the E. by lot No. 1; and on the SW. and NW. by the Tuguan Creek. Point "1" is S. 53° 46' W., 6,75.00 m. from B. L. L. M. No. 6, Candelaria. Area 229 square meters.

6. A parcel of land (lot No. 6, plan Psu-113572).—Bounded on the N. and NE. by the Quipot Danay Creek; on the SE. by property of Miguel Alimagno & Maria Maralit; and on the SW. by lot No. 1. Point "1" is S. 53° 19' W., 6,039.71 m. from B. L. L. M. No. 6, Candelaria. Area 872 square meters.

7. A parcel of land (lot No. 7, plan Psu-113572).—Bounded on the NE. by property of Luis Maralit; on the SE. by an irrigation ditch and properties of Manuel del Valle and Jose Alvero; on the SW. by an irrigation ditch and property of Jose Alvero; and on the NW. by an irrigation ditch, property of Melanio Aranza and lot No. 8. Point "1" is S. 45° 39' W., 6,544.43 m. from B. L. L. M. No. 6, Candelaria. Area 7,089 square meters.

8. A parcel of land (lot No. 8, plan Psu-113572).—Bounded on the NE. by property of Leodegario Calabia & Wife *vs.* Luis Maralit; on the SE. and SW. by lot No. 7; and on the NW. by an irrigation ditch and properties of Leodegario Calabia & Wife claimed by Melanio Aranza and Leodegario Calabia & Wife. Point "1" is S. 50° 38' W., 6,619.57 m. from B. L. L. M. No. 6, Candelaria. Area 4,556 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 11th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as

confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

(4, 5)

**In the Court of First Instance, Province of
Tayabas**

[Land Registration Case No. 3646. G. L. R. O. Record
No. 55139]

MICAELA MAYO *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Tiaong, Cipriana Masangkay, Pedro R. Masangkay, Blas Areglado, Mariano Lago, Perfecto Bautista, Zacarias Bundalian and Ignacio Umali, all of these in Tiaong, Tayabas, P. I.; and Segunda Zarzadias, in Sariaya, Tayabas, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Micaela Mayo, in Tiaong, Tayabas, P. I., through the attorney Claro M. Recto, in Soriano Building, Manila, P. I., to register and confirm her title to the following property:

Two parcels of land, with the improvements thereon, more particularly determined and described on the plans and technical descriptions attached to the records of the above-numbered case. The situations, boundaries and areas of said parcels are as follows:

1. A parcel of land (plan Psu-102979), situated in the barrio of Lusacan, municipality of Tiaong, Province of Tayabas, P. I.—Bounded on the NE. by property of Ignacio Umali; on the SE. by property of Segunda Zarzadias; on the SW. by property of Blas Areglado; and on the NW. by properties of Mariano Lago and Zacarias Bundalian & Perfecto Bautista. Point "1" is N. 42° 27' W., 1,972.45 m. from B. L. L. M. No. 83, Lusacan. Area 33,841 square meters.

2. A parcel of land (plan S. W. O.-12142), situated in the barrio of Buliran, municipality of Tiaong, Province of Tayabas, P. I.—Bounded on the N. and NW. by the Bangbang Creek and property of Pedro R. Masangkay; on the E. by the Bangbang Creek and property of Doroteo Masangkay (before) Micaela Mayo (now); on the SE. by the Caturayan Creek; and on the W. by property of Cipriana Ma-

sangkay. Point "1" is S. 14° 12' W., 8,728.20 m. from B. L. L. M. No. 1, Tiaong. Area 39,470 square meters.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 12th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 9th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS

Chief of the General Land

Registration Office

(4, 5)

**In the Court of First Instance, Province of
Tayabas**

[Land Registration Case No. 3649. G. L. R. O. Record
No. 55142]

AGAPITO VILLAYERDE, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I., the provincial fiscal of Tayabas, in Lucena, Tayabas, P. I.; the municipal council of Lucban, Tayabas, P. I.; the municipal council of Simplicio Villaverde, Venancio Oblea and Eusebia Deasis, all of these in Lucban, Tayabas, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Agapito Villaverde, in Lucban, Tayabas, P. I., through the attorney Jose E. Tolentino, in Quezon City, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-112819), with the improvements thereon, situated in the barrio of Pi-is, municipality of Lucban, Province of Tayabas, P. I.—Bounded on the N. and NW. by the Maapon River; on the SE. by the Alañasin Creek; and on the SW. and W. by property of Simplicio Villaverde. Point "1" is N. 22° 23' E., 1,645.08 m. from B. L. B. M. No. 63, Quilib, Lucban. Area 195,051 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Tayabas, at its session to be held in the municipality of Lucena, Province of Tayabas, P. I., on the 12th day of August, A. D.

1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or an ydecree entered thereon.

Witness the Hon. Enrique A. Fernandez, judge of said court, the 29th day of May, in the year 1941.

Issued at Manila, P. I., this 9th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

**In the Court of First Instance, Province of
Camarines Sur**

[Land Registration Case No. 1037. G. L. R. O. Record
No. 55186]

MATILDE C. REMETIRA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the Provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Pili, in Pili, Camarines Sur, P. I.; Andres Interino, Luis Canada, Crisanta Felicidadario, the heirs of Bruno Bobis and Delfin Quintillan, all of these in Hibago, Pili, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Matilde C. Remetira, in Pili, Camarines Sur, P. I., through the attorneys Luntok & Luntok, in Naga, Camarines Sur, P. I., to register and confirm her title to the following property:

A parcel of land (plan Psu-110158), situated in the barrio of Ayagan, municipality of Pili, Province of Camarines Sur, P. I.—Bounded on the NE. by the Mangabunga Creek and property of the heirs of Bruno Bobis; on the E. and SE. by property of Delfin Quintillan; on the SW. by the Ayagan Creek; and on the NW. by properties of Andres Interino, Luis Canada and Crisanta Felicidadario. Point "1" is S. 22° 01' E., 3,750.75 m. from B. L. B. M. No. 1, Mabatabato, Pili, Camarines Sur. Area 369,269 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 14th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you

appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

**In the Court of First Instance, Province of
Camarines Sur**

[Land Registration Case No. 1038. G. L. R. O. Record
No. 55187]

LUIS F. ANTONIO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Pamplona, Bartolome Jacob, Bernardo Rivera c/o Pedro Rivera, Andres Ballesteros, Constancio Nabareta and Dionisiano Noblesa, all of these in Pamplona, Camarines Sur, P. I.; Eñigo Ventura c/o Ysidra Leyte, Antonio Candelaria, Andres Mores c/o Andrea Mores, Francisco Manaog, Emilio Paño c/o Emilio Caño and Domingo Serrano c/o Juan Serrano, all of these in Cagbibí, Pamplona, Camarines Sur, P. I.; Ramon B. Felipe, Maria Caceres, Julio Capucao and Vicente Roco, all of these in Naga, Camarines Sur, P. I.; Constancio Nabareta and Dionisiano Noblesa, these two in San Vicente, Libmanan, Camarines Sur, P. I.; and Vicente Roco c/o Madrigal & Co., in Manila, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Luis F. Antonio, in Naga, Camarines Sur, P. I., through the attorney Ramon B. Felipe, in Naga, Camarines Sur, P. I., to register and confirm his title to the following property:

Three parcels of land, situated in the barrio of Cagbibí, municipality of Pamplona, Province of Camarines Sur, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-113700).—Bounded on the N. by property of Eñigo Ventura; on the NE. by the Quitiago Creek and property of Eñigo Ventura; on the SE. by the Bicol River; on the SW. by a creek, properties of Antonio Candelaria, Andres Mores, Francisco Manaog, Emi-

lio Paño, a barrio street and property of Domingo Serrano; and on the NW. by properties of Ramon B. Felipe, Eñigo Ventura and a creek. Point "1" is N. 30° 24' E., 4,408.10 m. from B. L. L. M. No. 1, Pamplona, Camarines Sur. Area 129,892 square meters.

2. A parcel of land (lot No. 2, plan Psu-113700).—Bounded on the N. by property of Ramon B. Felipe; on the NE. by property of Dionisiano Noblesa; on the SE. by property of Vicente Roco; on the SW. by properties of Vicente Roco, Ramon B. Felipe and Andres Ballesteros; and on the NW. by properties of Andres Ballesteros and Constancio Nabareta. Point "1" is N. 15° 45' E., 5,073.44 m. from B. L. L. M. No. 1, Pamplona, Camarines Sur. Area 36,870 square meters.

3. A parcel of land (lot No. 3, plan Psu-113700).—Bounded on the N. by property of Bernardo Rivera; on the NE. and SE. by property of Ramon B. Felipe; on the SW. by properties of Ramon B. Felipe and Julio Capucan; and on the NW. by property of Bartolome Jacob. Point "1" is N. 19° 42' E., 4,111.80 m. from B. L. L. M. No. 1, Pamplona, Camarines Sur. Area 23,757 square meters.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 14th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose P. Veluz, vacation judge of said court, the 21st day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

In the Court of First Instance, Province of Pampanga

[G. L. R. O. Record No. 2493]

MARIA GERARDO VDA. DE BARRETO ET AL., applicants
NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Manager of the Agricultural and Industrial Bank, all of these in Manila, P. I.; the provincial fiscal of Pampanga, in San Fernando, Pampanga, P. I.; and the municipal council of Macabebe, in Macabebe,

Pampanga, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Maria Gerardo Vda. de Barreto, on Morga Street No. 98, Tondo, Manila, P. I., represented by the attorney Deogracias T. Reyes, in Brias Roxas Bldg., Manila, P. I. and Consorcio Crisostomo and Hermogena Crisostomo, these two in Hagonoy, Bulacan, P. I., represented by the attorney Magno S. Gatmaitan, in 624 Heacock Bldg., Manila, P. I., to register and confirm their title to the following property:

Three parcels of land, with the improvements thereon, situated in the barrio of Dalayap, municipality of Macabebe, Province of Pampanga, P. I., more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psd-18227).—Bounded on the NE. by a barrio site; and on the S., SW. and W. by lot No. 2. Point "1" is N. 89° 42' W., 5,247.88 m. from B. L. L. M. No. Masantol. Area 3,112 square meters.

2. A parcel of land (lot No. 2, plan Psd-18227).—Bounded on the N. and NW. by the Nasi River; on the NE. by a barrio site, lot No. 1 and the Dalayap River; on the E., SE. and S. by the Dalayap River; and on the SW. by lot No. 3. Point "1" is N. 86° 30' W., 5,247.88 m. from B. L. L. M. No. 1, Masantol. Area 1,000,001 square meters.

3. A parcel of land (lot No. 3, plan Psd-18227).—Bounded on the NE. by the Nasi River and lot No. 2; on the SE. by the Dalayap River; on the SW. by the Dalayap, Inaun and Nasi rivers; and on the NW. by the Nasi River. Point "1" is N. 86° 30' W., 5,876.50 m. from B. L. L. M. No. 1, Masantol. Area 3,837,215 square meters.

You are hereby cited to appear before the Court of First Instance of Pampanga, at its session to be held in the municipality of San Fernando, Province of Pampanga, P. I., on the 14th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose Ma. Paredes, judge of said court, the 12th day of June, in the year 1941.

Issued at Manila, P. I., this 10th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

In the Court of First Instance, Province of
Ilocos Sur

[Land Registration Case No. 504. G. L. R. O. Record
No. 55177]

MUNICIPALITY OF SANTA LUCIA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Ilocos Sur, in Vigan, Ilocos Sur, P. I.; Pedro Festejo, in Santa Lucia, Ilocos Sur, P. I.; and the Roman Catholic Bishop of Nueva Segovia, in Vigan, Ilocos Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by the municipality of Santa Lucia, through its mayor, in Sta. Lucia, Ilocos Sur, P. I., to register and confirm its title to the following property:

A parcel of land (lot No. 3538-A, plan Psd-17300), with the building and improvements thereon, situated in the barrios of Alingcaoeg & Bambanaba, municipality of Sta. Lucia, Province of Ilocos Sur, P. I.—Bounded on all sides by lot No. 3538-B (property of Pedro Festejo). Point "1" is N. 15° 56' E., 269.91 m. from B. B. M. No. 5, Sta. Lucia Cad. No. 139. Area 10,001 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Ilocos Sur, at its session to be held in the municipality of Vigan, Province of Ilocos Sur, P. I., on the 16th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Jose S. Bautista, judge of said court, the 16th day of May, in the year 1941.

Issued at Manila, P. I., this 10th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

In the Court of First Instance, Province of
Cebu

[Land Registration Case No. 526. G. L. R. O. Record
No. 55042]

SILVINO Y. DU, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the

Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Cebu, in Cebu, Cebu, P. I.; the municipal council of Bantayan, Tan Siu, Adriana Mansueto, Ciriaco Herrera and Du Bon Phao, all of these in Bantayan, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Silvino Y. Du, in Bantayan, Cebu, P. I., through the attorney Cecilio V. Gillamao, in P. O. Box No. 211, Cebu, Cebu, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-112288), with the buildings and improvements thereon, situated in the Poblacion, municipality of Bantayan, Province of Cebu, P. I.—Bounded on the NE. by property of Adriana Mansueto and a private road; on the SE. by a private road; on the SW. by properties of Ciriaco Herrera and Du Bon Phao; and on the NW. by the Plaridel Street. Point "1" is N. 87° 42' E., 24.18 m. from B. L. L. M. No. 1, Bantayan, Cebu. Area 601 square meters. Said parcel being more particularly determined and described on the plan and technical descriptions attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 18th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

In the Court of First Instance, Province of
Cebu

[Land Registration Case No. 527. G. L. R. O. Record
No. 55055]

LUCIO LOPEZ, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands and the Director of Forestry, all of these in Manila, P. I.; the provincial fiscal of Cebu and the Municipal Board of Cebu, these two in Cebu,

Cebu, P. I.; Felipe Labay, in Banawa, Guadalupe, Cebu, Cebu, P. I.; and Rufina Labos, on Calamba Street No. 207, Cebu, Cebu, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Lucio Lopez, on Calamba Street No. 207, Cebu, Cebu, P. I., through the attorney V. G. Villanueva, in P. O. Box No. 507, Cebu, Cebu, P. I., to register and confirm his title to the following property:

A parcel of land (plan Psu-98471), situated in the barrio of Guilaguila, City of Cebu, Province of Cebu, P. I.—Bounded on the NE., E. and SE. by the Mananga River; and on the NW. by property of Felipe Labay. Point "1" is N. 52° 28' W., 11,725.68 m. from B. L. L. M. No. 1, Cebu. Area 10,878 square meters. Said parcel being more particularly determined and described on the plan and technical description attached to the records of the above-numbered case.

You are hereby cited to appear before the Court of First Instance of Cebu, at its session to be held in the City of Cebu, Province of Cebu, P. I., on the 19th day of August, A. D. 1941, at 8 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Benito Natividad, judge of said court, the 3d day of May, in the year 1941.

Issued at Manila, P. I., this 8th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

In the Court of First Instance, Province of Camarines Sur

[Land Registration Case No. 1039. G. L. R. O. Record No. 55212]

BENIGNA CERESA, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the Director of Forestry and the Director of Public Works, all of these in Manila, P. I.; the provincial fiscal of Camarines Sur, in Naga, Camarines Sur, P. I.; the municipal council of Tigaon, Gaudencio Madera and Consuelo Vda. de Toral, all of these in Tigaon, Camarines Sur, P. I.; Jose Lim Chiolay, in the barrio of Kanawan, Pili, Camarines Sur, P. I.; Jose Jacob, Cecilia

Baduria and Luciano L. Santos, all of these in Naga, Camarines Sur, P. I., and to all whom it may concern:

Whereas an application has been presented to this court by Benigna Ceresa, in the barrio of Kanawan, Pili, Camarines Sur, P. I., through the attorney Anastacio M. Prila, in Pili, Camarines Sur, P. I., to register and confirm her title to the following property:

Three parcels of land, situated in the barrio of Mabalodbalod, municipality of Tigaon, Province of Camarines Sur, P. I., more particularly determined and described on the plan and technical descriptions attached to the record of the above-numbered case. The boundaries and areas of said parcels are as follows:

1. A parcel of land (lot No. 1, plan Psu-111571).—Bounded on the NE. by property of Jose Jacob; on the SE. by the Tigaon-Pili Provincial Road; on the SW. by properties of Gaudencio Madera and Consuelo Vda. de Toral; and on the NW. by lot No. 2. Point "1" is S. 51° 51' W., 3,173.93 m. from B. L. B. M. No. 1, Salvacion, Tigaon. Area 8,100 square meters.

2. A parcel of land (lot No. 2, plan Psu-111571).—Bounded on the NE. by property of Jose Jacob; on the SE. by lot No. 1; and on the NW. by lot No. 3. Point "1" is S. 53° 14' W., 3,140 m. from B. L. B. M. No. 1, Salvacion, Tigaon. Area 430 square meters.

3. A parcel of land (lot No. 3, plan Psu-111571).—Bounded on the N., NE. and SW. by property of Consuelo Vda. de Toral; and on the SE. by lot No. 2. Point "1" is S. 53° 28' W., 3,172.43 m. from B. L. B. M. No. 1, Salvacion, Tigaon. Area 1,103 square meters.

You are hereby cited to appear before the Court of First Instance of Camarines Sur, at its session to be held in the municipality of Naga, Province of Camarines Sur, P. I., on the 18th day of August, A. D. 1941, at 8.30 o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted; and unless you appear at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness the Hon. Pablo Angeles David, judge of said court, the 5th day of June, in the year 1941.
Issued at Manila, P. I., this 12th day of July, 1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

In the Court of First Instance, Province of
Camarines Sur
Land Registration Case No. 1040. G. L. R. O. Record
No. 55213]

MIGUEL PORTO, *applicant*

NOTICE OF ORIGINAL HEARING

To the Solicitor-General, the Director of Lands, the
Director of Forestry and the Director of Public
Works, all of these in Manila, P. I.; the pro-
vincial fiscal of Camarines Sur, in Naga,
Camarines Sur, P. I.; the municipal council of
Calabanga, in Calabanga, Camarines Sur, P. I.;
Martin N. Sales c/o Dr. Matias N. Sales, in
Naga, Camarines Sur, P. I.; Eugenio Pajabera
and Fortunata Manalo, these two in the barrio
of Manguring, Calabanga, Camarines Sur,
P. I., and to all whom it may concern:

Whereas an application has been presented to this
court by Miguel Porto, in the barrio of Manguring,
Calabanga, Camarines Sur, P. I., to register and
confirm his title to the following property:

A parcel of land (plan Psu-99309), with the
building and improvements thereon, situated in the
barrio of Manguring, municipality of Calabanga,
Province of Camarines Sur, P. I.—Bounded on the
NE. by the Hinaguianan River; on the SE. by prop-
erty of Carlos Azur (before) *vs.* Eugenio Pajabera

(now); on the SW. by a barrio road; and on the
NW. by property of the Government of the Philip-
pine Islands *vs.* Martin N. Sales. Point "1" is S.
7° 42' W., 3,688.92 m. from B. L. B. M. No. 1, Si-
bobo, Calabanga. Area 47,754 square meters. Said
parcel being more particularly determined and de-
scribed on the plan and technical description attached
to the records of the above-numbered case.

You are hereby cited to appear before the Court
of First Instance of Camarines Sur, at its session
to be held in the municipality of Naga, Province of
Camarines Sur, P. I., on the 18th day of August,
A. D. 1941, at 8.30 o'clock in the forenoon, to show
cause, if any you have, why the prayer of said ap-
plication shall not be granted; and unless you
appear at the time and place aforesaid, your default
will be recorded and the said application will be
taken as confessed, and you will be forever barred
from contesting said application or any decree en-
tered thereon.

Witness the Hon. Pablo Angeles David, judge of
said court, the 5th day of June, in the year 1941.

Issued at Manila, P. I., this 12th day of July,
1941.

Attest: [SEAL] ENRIQUE ALTAVAS
Chief of the General Land
Registration Office
(4, 5)

DEPARTMENT OF PUBLIC WORKS AND
COMMUNICATIONS

Office of the Secretary

APPORTIONMENT OF PUBLIC WATERS

List of the appropriations of water according to
priority on the Malansad and Pamplona Rivers
and their tributaries, Province of Camarines
Sur.

Whereas, in order to determine the priority of
appropriation, and to grant rights in accordance
with the provisions of the "Irrigation Law," Act
No. 2152, as amended, all claimants of the right
to the use of the waters of the Malansad and Pam-
plona Rivers and their tributaries in the Province

of Camarines Sur were duly notified as provided by
the said Act No. 2152, as amended, to file in the
office of the Director of Public Works, sworn state-
ments setting forth the information therein required,
and

Whereas, the Director of Public Works, having
caused to be made, as provided by the said Act, as
amended, a complete investigation of the claim,
accordingly filed, as submitted for the approval of
the undersigned a list of the appropriation according
to priority, as determined by him, of said public
waters.

Now therefore, said list, having been duly ap-
proved by the undersigned, is hereby published, as
provided by Act No. 2152, as amended, for the
information and guidance of all concerned, to wit:

LOTS IRRIGATED DURING THE RAINY SEASON—FROM MAY TO NOVEMBER
DAMS NOS. 1 AND 11—MALANSAD RIVER AND PAMPLONA MAIN CANAL

| (1) Prior- ity num- ber | (2) Name | (3) Post-office address | (4) Parcel number | (5) Area of present irri- gated land in hectares | (6) Amount of water entitled in liters per second | (7) Prior appro- priation in liters per second |
|-------------------------------------|---------------------|------------------------------|-------------------------|--|--|--|
| 1 | Doroteo Abrigo..... | Tayabas, Tayabas..... | 62 | 13.9725 | 13.97 | 0.00 |
| 2 | do..... | do..... | 56 | 6.5100 | 6.51 | 13.97 |
| 3 | Diego Percia..... | Pamplona, Camarines Sur..... | 57 | 1.3020 | 1.30 | 20.48 |
| 4 | Doroteo Abrigo..... | Tayabas, Tayabas..... | 65 | 47.8785 | 47.88 | 21.78 |
| 5 | do..... | do..... | 66 | 29.1400 | 29.14 | 69.66 |

DAMS NOS. 1 AND 12—MALANSAD RIVER AND PAMPLONA MAIN CANAL

| (1) Prior- ity num- ber | (2) Name | (3) Post-office address | (4) Parcel number | (5) Area of present irri- gated lands in hectares | (6) Amount of water entitled in liters per second | (7) Prior appro- priation in liters per second |
|-------------------------------------|-----------------------------|----------------------------|-------------------------|---|--|--|
| 6 | Andres Ellana | Naga, Camarines Sur | 60 | 18.2900 | 18.29 | 98.80 |
| 7 | do | do | 61 | 10.3230 | 10.32 | 117.09 |
| 8 | Mamerto Cruz | do | 58 | 28.7680 | 28.77 | 127.41 |
| 9 | do | do | 59 | 1.4570 | 1.46 | 156.18 |
| 10 | Antonio Genio | do | 63 | 5.0375 | 5.04 | 157.64 |
| 11 | Andres Ellana | do | 64 | 4.8980 | 4.90 | 162.68 |
| 12 | Purificacion Vda. de Agapay | Libmanan, Camarines Sur | 67 | 2.0770 | 2.08 | 167.58 |
| 13 | do | do | 68 | 0.5890 | 0.59 | 169.66 |
| 14 | Florencio Agomaa | Camaligan, Camarines Sur | 69 | 5.3440 | 5.34 | 170.25 |
| 15 | Dominador Sumilang | Tayabas, Tayabas | 73 | 15.0040 | 15.00 | 175.59 |

DAM NO. 7—CABURAS CREEK

| | | | | | | |
|----|----------------------|-------------------------|-----|--------|------|--------|
| 16 | Ventura Cuya | Libmanan, Camarines Sur | 127 | 0.3875 | 0.39 | 190.59 |
| 17 | Agaton Ursua | do | 128 | 3.9370 | 3.94 | 190.98 |
| 18 | Vicente Bulaong | do | 130 | 1.4105 | 1.41 | 194.02 |
| 19 | Basilio Fuentes | do | 131 | 1.4415 | 1.44 | 196.33 |
| 20 | Valentin Toledano | do | 132 | 2.5745 | 2.57 | 197.77 |
| 21 | Vicente Bulaong | do | 133 | 1.6085 | 1.61 | 200.34 |
| 22 | Victoriano Francisco | do | 134 | 3.0070 | 3.01 | 201.95 |
| 23 | Vicente Bulaong | do | 135 | 6.7425 | 6.74 | 204.96 |
| 24 | Agaton Soliven | do | 136 | 5.7045 | 5.70 | 211.70 |
| 25 | Atanacio Alcomendas | do | 137 | 2.3560 | 2.36 | 217.40 |

DAMS NOS. 1 AND 13—MALANSAD RIVER AND PAMPLONA MAIN CANAL

| | | | | | | |
|----|-----------------------------|-------------------------|----|--------|------|--------|
| 26 | Purificacion Vda. de Agapay | Libmanan, Camarines Sur | 70 | 4.9345 | 4.93 | 219.76 |
| 27 | Dominador Sumilang | Tayabas, Tayabas | 71 | 0.8060 | 0.81 | 224.69 |
| 28 | Simeon Elgo | Libmanan, Camarines Sur | 72 | 2.2155 | 2.22 | 225.50 |

DAMS NOS. 1, 8, AND 9—MALANSAD RIVER AND PAMPLONA MAIN CANAL

| | | | | | | |
|----|-------------------------|--------------------------|----|--------|------|--------|
| 29 | Rosario Agrito do Genio | Naga, Camarines Sur | 93 | 0.0930 | 0.09 | 227.72 |
| 30 | do | do | 94 | 4.3400 | 4.34 | 227.81 |
| 31 | Joaquin Cuevas | Libmanan, Camarines Sur | 95 | 0.5115 | 0.51 | 232.15 |
| 32 | Victoria Alpado | Camaligan, Camarines Sur | 96 | 0.3565 | 0.36 | 232.66 |

DAM No. 3—MALANSAD RIVER

| | | | | | | |
|----|------------------|-------------------------|-----|---------|-------|--------|
| 33 | Marciano Cecilio | Libmanan, Camarines Sur | 149 | 16.9260 | 16.93 | 233.02 |
| 34 | Pacifico Marcelo | do | 150 | 7.5175 | 7.52 | 249.95 |
| 35 | Felipe Boña | do | 148 | 5.4250 | 5.43 | 257.47 |

DAMS NOS. 1, 15, AND 16—MALANSAD RIVER AND PAMPLONA MAIN CANAL

| | | | | | | |
|----|---------------------|--------------------------|----|---------|-------|--------|
| 36 | Eutiquiano Almoneda | Naga, Camarines Sur | 74 | 25.1255 | 25.13 | 262.90 |
| 37 | Ponciano Alzate | Libmanan, Camarines Sur | 75 | 1.4260 | 1.43 | 288.03 |
| 38 | Juan Bula | do | 76 | 9.5445 | 9.54 | 289.46 |
| 39 | Donato Alimasa | do | 77 | 6.1965 | 6.20 | 299.00 |
| 40 | David Galvan | do | 78 | 0.7750 | 0.78 | 305.20 |
| 41 | Mamerto Cruz | Naga, Camarines Sur | 79 | 24.9705 | 24.97 | 305.98 |
| 42 | Julio Capucao | do | 80 | 3.4395 | 3.44 | 330.55 |
| 43 | Beata Prado | Camaligan, Camarines Sur | 81 | 0.2170 | 0.22 | 334.39 |
| 44 | do | do | 82 | 0.2015 | 0.20 | 334.61 |

DAMS NOS. 1 AND 14—MALANSAD RIVER AND PAMPLONA MAIN CANAL

| | | | | | | |
|----|-----------------|------------------------|----|---------|-------|--------|
| 45 | Gregorio Oliven | Pasacao, Camarines Sur | 98 | 26.7685 | 26.77 | 334.81 |
|----|-----------------|------------------------|----|---------|-------|--------|

DAMS NOS. 1 AND 10—MALANSAD RIVER AND PAMPLONA MAIN CANAL

| | | | | | | |
|----|-----------------|-------------------------|-----|---------|-------|--------|
| 46 | Gregorio Oliven | Pasacao, Camarines Sur | 97 | 14.0430 | 14.04 | 361.58 |
| 47 | do | do | 99 | 16.8175 | 16.82 | 375.62 |
| 48 | Carlos Festin | Libmanan, Camarines Sur | 100 | 2.6845 | 2.68 | 292.44 |
| 49 | Demetrio Javier | do | 101 | 1.4780 | 1.48 | 395.12 |
| 50 | Lorenzo Vasquez | do | 102 | 4.2935 | 4.29 | 396.60 |

DAM NO. 17—BINOMBONG CREEK

| (1) Priority num- ber | (2) Name | (3) Post-office address | (4) Parcel number | (5) Area of present irri- gated lands in hectares | (6) Amount of water entitled in liters per second | (7) Prior appo- riation in liters per second |
|--------------------------------|--------------------------|----------------------------|-------------------------|---|--|--|
| 51 | Eutiguiano Almoneda | Naga, Camarines Sur | 84 | 4.4085 | 4.41 | 400.89 |
| 52 | Porfirio Albuero | Libmanan, Camarines Sur | 85 | 0.4805 | 0.48 | 405.30 |
| 53 | Amando Alimasa | do | 86 | 0.6820 | 0.68 | 405.78 |
| 54 | Angel Recedillo | Pamplona, Camarines Sur | 87 | 2.8985 | 2.90 | 406.46 |
| 55 | Rufino Obias | San Jose, Camarines Sur | 88 | 7.7655 | 7.67 | 409.36 |
| 56 | Isabelo Recedillo | Libmanan, Camarines Sur | 89 | 1.7050 | 0.71 | 417.03 |
| 57 | Ponciano Alzate | do | 90 | 1.7360 | 1.74 | 418.74 |
| 58 | Simeon Elgo | Pamplona, Camarines Sur | 91 | 1.2555 | 1.26 | 420.48 |
| 59 | Romana Vda. de Recedillo | Libmanan, Camarines Sur | 92 | 1.4105 | 1.41 | 421.74 |

DAM NO. 6—CABURAS CREEK

| | | | | | | |
|----|-----------------|-------------------------|-----|--------|------|--------|
| 60 | Teodoro Dilanco | Libmanan, Camarines Sur | 113 | 1.3640 | 1.36 | 423.15 |
| 61 | do | do | 114 | 0.3410 | 0.34 | 424.51 |

DAM NO. 2—MALANSAD RIVER

| | | | | | | |
|----|---------------------------|-------------------------|-----|--------|------|--------|
| 62 | Perfecto San Buenaventura | Libmanan, Camarines Sur | 104 | 0.6355 | 0.64 | 424.85 |
| 63 | Consuelo Agapor | do | 105 | 0.9300 | 0.93 | 425.49 |
| 64 | Gregorio Agapor | do | 106 | 2.5420 | 2.54 | 426.42 |
| 65 | Juan Madrid | Naga, Camarines Sur | 115 | 4.6500 | 4.65 | 428.96 |
| 66 | Filemon San Buenaventura | Libmanan, Camarines Sur | 116 | 3.1465 | 3.15 | 433.61 |
| 67 | Tiburcio Albis | do | 117 | 7.4710 | 7.47 | 436.76 |
| 68 | Filemon San Buenaventura | do | 118 | 0.9920 | 0.99 | 444.23 |
| 69 | Perfecto San Buenaventura | do | 119 | 2.6815 | 2.68 | 445.22 |
| 70 | Simeon Alimasa | do | 120 | 0.5425 | 0.54 | 447.90 |
| 71 | Sixto Adagul | do | 121 | 0.3100 | 0.31 | 448.44 |
| 72 | Tomas Escalante | do | 122 | 0.2325 | 0.23 | 448.75 |
| 73 | Laureana Abellan | do | 123 | 4.8360 | 4.84 | 448.98 |
| 74 | Doroteo Escalante | do | 124 | 0.7130 | 0.71 | 453.82 |
| 75 | Tomas Escalante | do | 125 | 6.3395 | 6.34 | 454.53 |
| 76 | Teofilo Galvan | do | 126 | 0.8480 | 0.25 | 460.87 |

DAMS NOS. 4 AND 18—MADUNGAY CREEK

| | | | | | | |
|----|-----------------|--------------------------|-----|---------|-------|--------|
| 77 | Ramon Agrito | Libmanan, Camarines Sur | 103 | 7.5950 | 7.60 | 461.12 |
| 78 | Juan Madrid | Naga, Camarines Sur | 107 | 0.6510 | 0.65 | 468.72 |
| 79 | Sabino Prado | Camaligan, Camarines Sur | 108 | 12.1900 | 12.19 | 469.37 |
| 80 | Teodoro Dilanco | Libmanan, Camarines Sur | 109 | 44.8880 | 44.89 | 481.56 |
| 81 | Laureana Fines | do | 110 | 1.5190 | 1.52 | 526.45 |
| 82 | Alejandro Fines | do | 111 | 2.6350 | 2.64 | 527.97 |
| 83 | Teodoro Dilanco | do | 112 | 2.6040 | 2.60 | 530.61 |

DAM NO. 5—DANAUEN CREEK

| | | | | | | |
|----|---------------------|-------------------------|-----|---------|-------|--------|
| 84 | Atancio Alcomendas | Libmanan, Camarines Sur | 138 | 1.8755 | 1.88 | 533.21 |
| 85 | Agaton Soliven | do | 139 | 0.1085 | 0.11 | 535.09 |
| 86 | Filoteo S. Vicente | Cabusao, Camarines Sur | 140 | 3.0380 | 3.04 | 535.20 |
| 87 | Pascual Francisco | Libmanan, Camarines Sur | 141 | 0.7130 | 0.71 | 538.24 |
| 88 | Vicente Bulaong | do | 142 | 5.0065 | 5.01 | 538.95 |
| 89 | Benigno Miradora | do | 143 | 3.4297 | 3.43 | 543.96 |
| 90 | Victorino Francisco | do | 144 | 1.3640 | 1.36 | 547.39 |
| 91 | Juan Madrid | Naga, Camarines Sur | 145 | 5.7040 | 5.70 | 548.75 |
| 92 | Jose Luzentales | Cabusao, Camarines Sur | 146 | 14.5080 | 14.51 | 554.45 |
| 93 | Juan Madrid | Naga, Camarines Sur | 147 | 0.9765 | 0.98 | 568.96 |

NOTE.—All the parcels of land irrigated by dam No. 5 shall be given water from July 20 up to December 15 of each year particularly for the irrigation of their seedbeds to which Mr.

Teodoro Dilanco, Mr. Gregorio Olivan and others agreed, subject however, to the same priority rights of lots appearing under dam No. 5.

PAMPLONA RIVER

LOTS IRRIGATED DURING THE RAINY SEASON—FROM JUNE TO NOVEMBER

DAM NO. 1—SAN ISIDRO DAM, CAWAYANAN CREEK

| | | | | | | |
|---|--------------------|-------------------------|---|---------|-------|-------|
| 1 | Pastor Flora | Pamplona, Camarines Sur | 1 | 2.2785 | 2.28 | 0.00 |
| 2 | Juan Madrid | Naga, Camarines Sur | 2 | 48.8465 | 48.85 | 2.28 |
| 3 | Narciso Candelaria | Pamplona, Camarines Sur | 3 | 2.2165 | 2.22 | 15.13 |
| 4 | Jose San Juan | do | 4 | 0.3100 | 0.31 | 53.85 |

| (1) Priority number | (2) Name | (3) Post-office address | (4) Parcel number | (5) Area of present irri- gated lands in hectares | (6) Amount of water entitled in liters per second | (7) Prior appro- priation in liters per second |
|---------------------------|------------------------|-----------------------------|-------------------------|---|--|--|
| 5 | Doroteo Palomero | do | 5 | 0.4495 | 0.45 | 53.66 |
| 6 | Catalino San Juan | do | 6 | 0.4805 | 0.48 | 54.11 |
| 7 | Gregorio Paulo | do | 7 | 0.6510 | 0.65 | 54.59 |
| 8 | Porfirio Imperial | do | 8 | 1.3020 | 1.30 | 55.24 |
| 9 | Juan Madrid | Naga, Camarines Sur | 9 | 1.5500 | 1.55 | 56.54 |
| 10 | Antonio Posis | Pamplona, Camarines Sur | 10 | 1.3175 | 1.32 | 58.09 |
| 11 | Pedro Baltazar | do | 11 | 0.6045 | 0.60 | 59.41 |
| 12 | Hilarion Romero | do | 12 | 0.3565 | 0.36 | 60.01 |
| 13 | Victorio Mojico | do | 13 | 0.9765 | 0.98 | 60.37 |
| 14 | Antonio San Juan | do | 14 | 0.4495 | 0.45 | 61.35 |
| 15 | Ciriaco Englis | San Fernando, Camarines Sur | 16 | 1.3950 | 1.40 | 61.80 |
| 16 | Glorioso Fabi | do | 17 | 2.8675 | 2.87 | 63.20 |
| 17 | Leoncia Fabi | do | 18 | 2.7435 | 2.74 | 66.07 |
| 18 | Cornelio Lagasca | do | 19 | 3.2705 | 3.27 | 68.81 |
| 19 | Fausto Cordial | Pamplona, Camarines Sur | 20 | 0.4340 | 0.43 | 72.08 |
| 20 | Eleuteria Candelaria | do | 21 | 1.6585 | 1.66 | 72.51 |
| 21 | Segundina Olanio | Naga, Camarines Sur | 22 | 4.2470 | 4.25 | 74.17 |
| 22 | Antonio Altamarino | Pili, Camarines Sur | 23 | 1.1315 | 1.13 | 78.42 |
| 23 | Pedro Romero | San Fernando, Camarines Sur | 24 | 1.6740 | 1.67 | 79.55 |
| 24 | Feliciano Puenteallano | do | 25 | 1.4280 | 1.43 | 81.22 |
| 25 | Juan Madrid | Naga, Camarines Sur | 26 | 0.6200 | 0.62 | 82.65 |
| 26 | Estanislao Posis | Pamplona, Camarines Sur | 27 | 0.9765 | 0.98 | 93.27 |
| 27 | Maria Aycardo | do | 28 | 2.2165 | 2.22 | 84.25 |
| 28 | Juanaria Incinas | do | 29 | 1.2090 | 1.21 | 86.47 |
| 29 | Paulino Bautista | Marilao, Bulacan | 30 | 8.1375 | 8.14 | 87.68 |
| 30 | Maria Sabardo | Pamplona, Camarines Sur | 31 | 4.1850 | 4.19 | 95.82 |
| 31 | Jose Flordeliza | do | 32 | 11.9817 | 11.98 | 100.01 |

DAM NO. 2—DIMARUMBA'S DAM, CAWAYANAN CREEK

| | | | | | | |
|----|--------------------------------|-----------------------------|------|---------|-------|--------|
| 32 | Ambrocio Dimarumba | Pamplona, Camarines Sur | 15 | 29.1570 | 29.16 | 111.99 |
| 33 | Dalmacio Trinidad | do | 39 | 1.7050 | 1.71 | 141.15 |
| 34 | Alejandro Francisco | do | 35 | 0.1085 | 0.11 | 142.86 |
| 35 | Maximo Orde | do | 41 | 0.2480 | 0.25 | 142.97 |
| 36 | Juan Orde | do | 45 | 0.2945 | 0.29 | 143.32 |
| 37 | Pedro Marcaya | do | 34 | 1.7050 | 1.71 | 143.51 |
| 38 | Bienvenida Luna | do | 37 | 1.7360 | 1.74 | 145.22 |
| 39 | Eugenio Flores | do | 38 | 0.6200 | 0.62 | 146.96 |
| 40 | Pedro Marcaya | do | 44 | 2.5730 | 2.57 | 147.68 |
| 41 | Gregorio Espiritu | do | 49 | 0.5015 | 0.51 | 150.15 |
| 42 | Remedios Palomares | do | 50 | 20.4460 | 0.45 | 150.66 |
| 43 | Gregorio Espiritu | do | 55 | 0.8060 | 0.81 | 171.11 |
| 44 | Melquiades San Juan | do | 40 | 0.8370 | 0.84 | 171.92 |
| 45 | Cornelio de los Santos | do | 46 | 0.1085 | 0.11 | 172.76 |
| 46 | Jose Flordeliza | do | 46 | 0.7285 | 0.73 | 172.87 |
| 47 | Carmen Vda. de Imperial | San Fernando, Camarines Sur | 48 | 10.8500 | 10.85 | 173.60 |
| 48 | Bianota Espiritu % Andres Cafe | Pamplona, Camarines Sur | 53 | 0.4960 | 0.50 | 184.45 |
| 49 | Epifania Cancaida | do | 54 | 8.9125 | 8.91 | 184.95 |
| 50 | Ambrocio Dimarumba | do | 52 | 2.5420 | 2.54 | 193.86 |
| 51 | Victorino Tesoro | do | 33 | 0.0930 | 0.09 | 196.40 |
| 52 | Celestina Antonio | do | 47 | 0.1705 | 0.17 | 196.49 |
| 53 | Jose Flordeliza | do | 42 | 5.5601 | 5.56 | 196.66 |
| 54 | do | San Fernando, Camarines Sur | 32-A | 3.3522 | 3.35 | 202.22 |
| 55 | Epifanio Cancaida | do | 32-B | 1.3485 | 1.35 | 205.57 |
| 56 | Pedro Baltazar | Pamplona, Camarines Sur | 36 | 0.4185 | 0.42 | 206.92 |
| 57 | Francisca Timola | do | 43 | 5.0840 | 5.08 | 207.34 |
| | | Naga, Camarines Sur | 51 | | | |

LOTS IRRIGATED DURING THE DRY SEASON—FROM
JANUARY TO APRIL

DAM NO. 2—DIMARUMBA'S DAM CAWAYANAN CREEK

| | | | | | | |
|---|--------------------|-------------------------|----|---------|-------|-------|
| 1 | Ambrocio Dimarumba | Pamplona, Camarines Sur | 15 | 29.1570 | 29.16 | 0.00 |
| 2 | do | do | 33 | 2.5420 | 2.54 | 29.16 |

The order of priority right of each parcel in any specific system in this list may be made subject to the "rotation method" of use of water whenever agreed upon by those concerned and so provided in the rules and regulations of the irrigator's asso-

ciation which shall be organized in accordance with the provisions of Section 12 of Act No. 2152.

SERGIO BAYAN
Undersecretary of Public Works
and Communications

[3-6]

BUREAU OF LANDS

SALES OF PUBLIC LANDS

[Under Chapter V, Commonwealth Act No. 141, as amended]

Notice is hereby given that the Bureau of Lands at Manila will sell to the highest bidder at 10 o'clock a. m. on August 22, 1941, the tract of land covered by sales application No. 21693 of Bienvenido Belandres.

Location: Saya, Tabuk, Mountain Province.

Boundaries: NE., public land and B. Belandres; SE., SW. and NW., public land.

Area: 80 hectares (not surveyed).

Appraised value per hectare: ₱10.

The successful bidder, if other than the applicant, must reimburse the latter the sum of ₱70 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Manila, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 21693." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Baguio on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at the City of Baguio.

JOSE P. DANS

[74, 77; 1-4]

Director of Lands

Notice is hereby given that the Bureau of Lands at Dumaguete, Negros Oriental, will sell to the highest bidder at 10 o'clock a. m. on August 29, 1941, the tract of land covered by sales application No. 16648 of Emiliano Arnaz.

Location: P. Zamora, Zamora, Bais, Negros Oriental.

Boundaries: N., G. Villanueva and lot 292; E., lot No. 297; S., E. Olores, J. Rubio et al.; W., public land.

Area 113.8000 hectares.

Appraised value per hectare: ₱10.

Value of improvements: ₱193 (barbed wire fence, houses, and fruit trees).

The successful bidder, if other than the applicant,

must reimburse the latter of the value of the improvements and the sum of ₱80 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Dumaguete, Negros Oriental, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 16648." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, or with the provincial land officer at Dumaguete, Negros Oriental, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the provincial land officer at Dumaguete, Negros Oriental.

JOSE P. DANS,

Director of Lands

[77; 1-5]

Notice is hereby given that the Bureau of Lands at Cabanatuan, Nueva Ecija, will sell to the highest bidder at 10 o'clock a. m. on September 5, 1941, the tract of land covered by sales application No. 18658 of Narciso de Vera.

Location: Piñahan, Cabanatuan, Nueva Ecija.

Boundaries: N., Florenino Garcia and Anastacio Evangelista; E., Filemon Cuisan; S., public land; W., Jose Ramos. (Portion of lot No. 2745, Cabanatuan cadastre.)

Area: 16 hectares.

Appraised value per hectare: ₱20.

Value of improvements: ₱1,200 (house, well, and clearings).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the sum of ₱70 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Cabanatuan, Nueva Ecija, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 18658." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cabanatuan, Nueva Ecija, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cabanatuan, Nueva Ecija.

JOSE P. DANS

Director of Lands

[1-6]

Notice is hereby given that the Bureau of Lands at Cagayan, Misamis Oriental, will sell to the highest bidder at 10 o'clock a. m. on September 8, 1941, the tract of land covered by sales application No. 21676 of Emiliano A. Valdez.

Location: Mailag, Malaybalay, Bukidnon.

Description: Lots Nos. 40 and 100, Simaya-Nabato cadastre No. 158, Bukidnon.

Area: 32.6906 hectares.

Appraised value per hectare: ₱15.

All bids must be sealed and submitted to the Bureau of Lands at Cagayan, Misamis Oriental, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 21676." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cagayan, Misamis Oriental, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cagayan, Misamis Oriental.

JOSE P. DANS

Director of Lands

[1-6]

Notice is hereby given that the Bureau of Lands at Manila will sell to the highest bidder at 10 o'clock a. m. on September 8, 1941 the tract of land covered by the sales application No. 22884 of Alexander Robert Corbert.

Location: Malasita, Kidapawan, Cotabato.

Description: Lot No. 71, P's-60, North Extension, Kidapawan, Cotabato.

The successful bidder shall pay the proportionate

cost of the subdivision survey of the said land which shall be subject to future determination and, if other than the applicant, he must reimburse the latter of the value of the improvements and the amount of ₱70 for publication expenses.

Area: 50 hectares.

Appraised value per hectare: ₱10.

Value of improvements: ₱30 (hut and clearings).

All bids must be sealed and submitted to the Bureau of Lands at Manila on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 22884." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cotabato, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cotabato, Cotabato.

JOSE P. DANS

Director of Lands

[1-6]

Notice is hereby given that the Bureau of Lands at the City of Bacolod will sell to the highest bidder at 10 o'clock a. m. on September 13, 1941, the tract of land covered by sales application No. 14350 of Manuel C. Tad-y.

Location: Mabini, Cadiz, Negros Occidental.

Boundaries: N., F. Laureano and F. A. Mesa; E., Agsalay Creek; S., F. Tad-y; W., Habinay River.

Area: 70 hectares (surveyed).

Appraised value per hectare: ₱30.

Value of improvements: ₱200 (clearings).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the sum of ₱70 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at the City of Bacolod on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 14350." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Bacolod on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at the City of Bacolod.

JOSE P. DANS
Director of Lands

[2-7]

Notice is hereby given that the Bureau of Lands at Tarlac, Tarlac, will sell to the highest bidder at 10 o'clock a. m. on September 12, 1941, the tract of land covered by Insular Government property sales application No. 2076 of Ignacio G. Sahagun.

Location: Matayumtayum, La Paz, Tarlac.

Description: Lot No. 2117, La Paz cadastre No. 92, Tarlac.

Area: 11.2566 hectares.

Appraised value: ₱1,575 for the whole tract.

The successful bidder, if other than the applicant, must reimburse the latter the sum of ₱70 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Tarlac, Tarlac, on or before the hour and date stated above and plainly marked: "Bid for the land described in Insular Government property sales application No. 2076." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the provincial land officer at Tarlac, Tarlac, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the provincial land officer at Tarlac, Tarlac.

JOSE P. DANS
Director of Lands

[2-7]

Notice is hereby given that the Bureau of Lands at Cotabato, Cotabato, will sell to the highest bidder at 10 o'clock a. m. on September 30, 1941, the tract of land covered by sales application No. 22596 of Nicolas Denora.

Location: Lambayong, Dulauan, Cotabato.

Description: Lot No. 4728, Pls-72, case 1, block No. 3, Dulauan, Cotabato.

Area: 49.7564 hectares.

Appraised value per hectare: ₱12.

The successful bidder shall pay the proportionate cost of the subdivision survey of the said land which shall be subject to future determination and, if other than the applicant, he must reimburse the latter the amount of ₱70 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Cotabato, Cotabato, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 22596." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cotabato, Cotabato, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cotabato, Cotabato.

JOSE P. DANS
Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at Manila will sell to the highest bidder at 10 o'clock a. m. on September 25, 1941, the tract of land covered by sales application No. 22875 of Enrique del Castillo.

Location: Saguing, Kidapawan, Cotabato.

Description: Lot No. 193, Pls-59, Kidapawan, Cotabato.

Area: 50 hectares.

Appraised value per hectare: ₱10.

The successful bidder shall pay the proportionate cost of the subdivision survey of the said land which shall be subject to future determination and, if other than the applicant, he must reimburse the latter the amount of ₱70 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Manila on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 22875." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or*

employee of the Bureau of Lands is eligible for designation as a bidder's representative.

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cotabato, Cotabato, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cotabato, Cotabato.

JOSE P. DANS

Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at Cotabato, Cotabato, will sell to the highest bidder at 10 o'clock a. m. on September 29, 1941, the tract of land covered by sales application No. 22904 of Consuelo Segovia de Mirasol.

Location: M'lang District of Liguasan, Cotabato.

Description: Lot No. 788, Pls-59, South Extension, District of Liguasan, Cotabato.

Area: 50 hectares.

Appraised value per hectare: ₱10.

The successful bidder shall pay the proportionate cost of the subdivision survey of the said land which shall be subject to future determination and, if other than the applicant, he must reimburse the latter the amount of ₱70 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at Cotabato, Cotabato, on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 22904." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at Cotabato, Cotabato, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at Cotabato, Cotabato.

JOSE P. DANS

Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at the City of Zamboanga will sell to the highest bidder at 10 o'clock a. m. on September 26, 1941,

the tract of land covered by sales application No. 14172 of Julian C. Tamayo.

Location: Candilis, Lamitan, City of Zamboanga.

Boundaries: NE., C. Dominguez; SE., I. Tamayo; SW., Timblani; SW., Tamon Tamayo.

Area: 66 hectares (not surveyed).

Appraised value per hectare: ₱15.

Value of improvements: ₱2,000 (houses, coconuts, fruit trees and barbed wire fence).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the amount of ₱70 for publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at the City of Zamboanga on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No. 14172." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Zamboanga on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at the City of Zamboanga.

JOSE P. DANS

Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at the City of Bacolod will sell to the highest bidder at 10 o'clock a. m. on September 27, 1941, the tract of land covered by sales application No. 14067 of Andres Anlap.

Location: Buenavista, Murcia, Negros Occidental.

Description: Lots Nos. 900 and 929, Murcia cadastre, Negros Occidental.

Area: 81.5413 hectares.

Appraised value per hectare: ₱20.

Value of improvements: ₱800 (house, coconuts, and fruit trees).

The successful bidder, if other than the applicant, must reimburse the latter of the value of the improvements and the sum of ₱80 to defray the publication expenses.

All bids must be sealed and submitted to the Bureau of Lands at the City of Bacolod on or before the hour and date stated above and plainly marked: "Bid for the land described in sales application No.

14067." Bids must be on forms prescribed by the Bureau of Lands and must be accompanied with cash, certified check, or money order for a sum equivalent to 10 per cent of the bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Bacolod on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or the district land officer at the City of Bacolod.

JOSE P. DANS
Director of Lands

[4-9]

SALES OF PROPERTY OF THE COMMONWEALTH OF THE PHILIPPINES

(Under Act No. 3038)

Notice is hereby given that the Bureau of Lands at Manila will sell to the highest bidder at 10 o'clock a. m. on August 22, 1941, the tract of land described herein below. Bids for the land may be submitted either orally or in writing. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock of the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined:

Location of land: Barbosa Street, Quiapo, Manila.

Description: Lot No. 2-B, Psd-17237, Manila.

Area: 120.9 square meters.

Appraised value per square meter: ₱40.

Value of improvements: None.

The successful bidder must reimburse Teodoro Benedicto the sum of ₱70 to defray the publication expenses.

A bidder who submits a written bid must be present or be duly represented at the auction in order that he may raise his bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make a deposit of at least 10 per cent of the appraised value of the land. The successful bidder must deposit, at the time of the auction, 10 per cent of the price offered by him.

The right is reserved to reject any of all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, or with the district

land officer at Manila, on or before the hour and date of the auction, shall forever be barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands division, Manila, or to the district land officer at Manila.

JOSE P. DANS
Director of Lands

[77; 1-5]

(Under Chapter IX, Commonwealth Act No. 141, as amended)

Notice is hereby given that the Bureau of Lands at the City of Zamboanga, will sell to the highest bidder at 10 o'clock a. m. on September 27, 1941, the tract of land described herein below. Bids for the land may be submitted either orally or in writing. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock of the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined:

Location of land: Poblacion, Katipunan, Zamboanga.

Description: Lot No. 125, Katipunan cadastre, Zamboanga.

Area: 485 square meters.

Appraised value per square meter: ₱0.60.

Value of improvements: ₱50 (barbed wire fence and fruit trees).

Applied for by Leonarda Cabahog Vda. de Genobatan, MSA-9088.

The successful bidder if other than the applicant, must reimburse the latter of the value of the improvements and the amount of ₱70 for publication expenses.

A bidder who submits a written bid must be present or be duly represented at the auction in order that he may raise his bid. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.*

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make a deposit of at least 10 per cent of the appraised value of the land. The successful bidder must deposit, at the time of the auction, 10 per cent of the price offered by him.

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Zamboanga, on or before the hour and date of the auction, shall be forever barred.

For further particulars regarding the land and conditions of the sale, apply to the chief, public lands

division, Manila, or to the district land officer at the City of Zamboanga.

JOSE P. DANS
Director of Lands

[4-9]

Notice is hereby given that the Bureau of Lands at the City of Bacolod will accept bids, either oral or in writing, on August 29, 1941, for the lease under Chapter IX of Commonwealth Act No. 141, as amended, of the tract of land herein below described. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock on the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined. A bidder who submits a written bid must be present or be duly represented at the auction in order that he may be entitled to change or raise his bid.

Location of land: Malusay, Himamaylan, Negros Occidental.

Boundaries: N., Himamaylan River; E., Himamaylan River & S. Gatuslao; S., Serafin Gatuslao; W., Himamaylan River and Sea.

Area: 1 hectare (not surveyed).

Appraised value per square meter: ₱1.

Value of existing improvements: ₱300 (wooden wharf).

Value of proposed improvements: ₱3,000 (wharf and lumber shed).

Applied for by Serafin Gatuslao, FLA-2368.

The successful bidder, if other than the applicant, must reimburse the latter of the value of the existing improvements and the sum of ₱70 for publication expenses.

The right to lease the land will be awarded to the person offering the highest annual rental, which shall not be less than 3 per cent of the value of the land plus 1 per cent of the value of the existing and proposed improvements. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.* The successful bidder must deposit, at the time of the auction or before the close of office hours of the next following working day, an amount equivalent to at least the rent for three months, at the rate proposed by him and shall sign an agreement to commence the construction of the proposed improvements, in accordance with plans to be approved by the Bureau of Public Works, within six months from the date of the award.

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make a deposit equivalent to at least three month's rental.

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the district land officer at the City of Bacolod, on or before the hour and date of the auction, shall forever be barred.

For further particulars regarding the land and conditions of the lease, apply to the chief, public lands division, Manila, or the district land officer at the City of Bacolod.

JOSE P. DANS
Director of Lands

[77; 1-5]

Notice is hereby given that the Bureau of Lands at Catbalogan, Samar, will accept bids, either oral or in writing, on September 5, 1941, for the lease under Chapter IX of Commonwealth Act No. 141, as amended, of the tract of land herein below described. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock on the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined. A bidder who submits a written bid must be present or be duly represented at the auction in order that he may be entitled to change or raise his bid.

Location of land: Cilanga, Catbalogan, Samar.

Boundaries: N., Paciano Curiano; E., Samar Sea; S., Paciano Curiano; W., Modesto Ginayhinay.

Area: 315 square meters (survey).

Appraise value per square meter: ₱1.50.

Value of existing improvements: ₱80 (*camarin*).

Value of proposed improvements: ₱550 (warehouse).

Applied for by Modesto Ginayhinay, FLA-888.

The successful bidder, if other than the applicant, must reimburse the latter of the value of the existing improvements and the sum of ₱70 to defray the publication expenses.

The right to lease the land will be awarded to the person offering the highest annual rental, which shall not be less than 3 per cent of the value of the land plus 1 per cent of the value of the existing and proposed improvements. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.* The successful bidder must deposit, at the time of the auction or before the close of office hours of the next following working day, an amount equivalent to at least the rent for three months, at the rate proposed by him and shall sign an agreement to commence the construction of the proposed improvements, in accordance with plans to be approved by the Bureau of Public Works, within six months from the date of the award.

In order that a person may be entitled to participate in the bidding, he must, before the com-

mencement of the same, make a deposit equivalent to at least three months' rental

The right is reserve to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Lands, Manila, or with the provincial land officer at Catbalogan, Samar, on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the lease, apply to the chief, public lands division, Manila, or the provincial land officer at Catbalogan, Samar.

For and in the absence of the Director of Lands:

[1-6] **ZOILO CASTRILLO**
Administrative Officer

Notice is hereby given that the Bureau of Lands at the City of Davao will accept bids, either oral or in writing, on October 1, 1941, for the lease under Chapter IX of Commonwealth Act No. 141, as amended, the tract of land herein below described. Written bids on forms prescribed by the Bureau of Lands must be submitted not later than 10 o'clock on the day above set forth, at which hour they will be opened and announced. Oral bids may then be submitted until the highest or successful bidder is determined. A bidder who submits a written bid must be present or be duly represented at the auction in order that he may be entitled to change or raise his bid.

Location of land: City of Davao.

Boundaries: N., Magallanes Street; SE., proposed boulevard; S., proposed street; W. and NW., lots Nos. 72 and 204.

Area: 1.2394 hectares.

Appraised value per square meter: ₱0.50.

Value of proposed improvements: ₱10,000 (warehouse).

Applied for by Vicente Guinao, MLA-2139.

The successful bidder, if other than the applicant, must reimburse the latter the amount of ₱70 for publication expenses.

The right to lease the land will be awarded to the person offering the highest annual rental, which shall not be less than 3 per cent of the value of the land plus 1 per cent of the value of the proposed improvements. *No officer or employee of the Bureau of Lands is eligible for designation as a bidder's representative.* The successful bidder must deposit, at the time of the auction or before the close of office hours of the next following working day, an amount equivalent to at least the rent for three months, at the rate proposed by him and shall sign an agreement to commence the construction of the proposed improvements, in accordance with plans to

be approved by the Bureau of Public Works, within six months from the date of the award.

In order that a person may be entitled to participate in the bidding, he must, before the commencement of the same, make a deposit equivalent to at least three month's rental.

The right is reserved to reject any or all bids.

Adverse claims to the above-described land not filed with the Bureau of Land, Manila, or with the district land officer at the City of Davao on or before the hour and date of the auction shall be forever barred.

For further particulars regarding the land and conditions of the lease, apply to the chief, public lands division, Manila, or the district land officer at the City of Davao.

[4-9] **JOSE P. DANS**
Director of Lands

BUREAU OF MINES

(FIRST PUBLICATION)

NOTICE OF APPLICATION OF THE COMPAÑIA MINERA DE FILIPINAS, INC., FOR THE LEASE OF ONE MINING CLAIM.

Notice is hereby given that, in pursuance of the provisions of section 72 of Commonwealth Act No. 137, the Compañía Minera de Filipinas, Inc., a corporation duly organized and existing under the laws of the Philippines, and whose post-office address is P. O. Box 2311, Manila, Philippines, has filed an application for the lease of one lode mining claim described as follows:

Name of claim: "Darab."

Date registered in the office of the mining recorder of Palawan: October 12, 1940.

Location: Barrio of Culion, municipality of Coron, Province of Palawan, Island of Darab, Philippines.

Boundaries: Northeast, Coron Bay; southeast public land; southwest and northwest, Coron Bay.

Area: 2.7586 hectares.

The claim herein applied for is more fully described as to metes and bounds by the official survey plan No. Lla-884, a copy of which is posted in a conspicuous place within the boundaries of the claim; technical descriptions and final notes of survey thereof are now filed in the Bureau of Mines, Manila, Philippines.

Any and all persons claiming adversely the mining claim, ground, vein, lode, premises, or any portion thereof, so described, surveyed, platted, and applied for, are hereby notified that unless their adverse claims are duly filed with the Director of

Mines in the City of Manila, Philippines, during the period of three consecutive weeks, to be reckoned immediately after the first publication (July 26, 1941) according to the law and regulations promulgated thereunder, such adverse claims shall be forever barred by virtue of the provisions of the Mining Act. Adverse claims should be filed in this Office in duplicate, and under oath, stating in full detail the nature, boundaries, and extent thereof and accompanied by all plans, documents, and agreements upon which such adverse claims are based. A copy of such adverse claims should be furnished the lease applicant by registered mail.

For further particulars regarding the mineral claim and conditions of the lease, apply to the Director of Mines, Manila.

Manila, Philippines, July 1, 1941.

QUIRICO A. ABADILLA

[4-6]

Director of Mines

BUREAU OF PUBLIC WORKS

Office of the Director of Public Works NOTICES OF APPLICATION FOR WATER RIGHTS

To whom it may concern:

Notice is hereby given—

(a) That Conrado Potenciano et al., whose post-office address is Masaya, Bay, Laguna, Philippines, has filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, a request for permission to change the nature of their dam, from permanent to temporary, on the Ulit River in Bay, Laguna, in accordance with the provisions of Act No. 2152, as amended.

(b) That in view of such request, any person interested may object to the granting of such permission and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days, beginning with the last day of publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending July 22, 1941.

[1-4]

V. FRAGANTE

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Trinidad Y. Vda. de Tizon, giving address as 710 Clavel, Binondo, Manila, for the ap-

propriation of the public waters of Pampanga River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on June 19, 1941, and that the source from which the appropriation is to be made is in the Pampanga River, in San Simon, Pampanga.

(c) That the proposed site of diversion is located on the Pampanga River; in the barrio of San Pedro, municipality of San Simon, Province of Pampanga, N. 3° 30' E., 70 meters from corner No. 1 of lot No. 1822, San Simon cadastre, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 357 liters.

(e) That the proposed works are to consist of a centrifugal pump and a canal of 2,000 meters long and 1.50 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of San Pedro, municipality of San Simon, Province of Pampanga, containing an area of 119 hectares and its boundaries are: North, barrio road and Trinidad Y. Vda. de Tizon; east, Pampanga River; south, provincial road and Adolfo Cruz; west, Petronilo Manansala and others.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending July 26, 1941.

[1-4]

V. FRAGANTE

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Gil Lasic, giving address as Mansalay, Mindoro, for the appropriation of the public waters of Lapote River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on June 21, 1941, and that the source from which the appropriation

is to be made is in the Lapote River, in Mansalay, Mindoro.

(c) That the proposed site of diversion is located on the Lapote River, in the sitio of Lapote, municipality of Mansalay, Province of Mindoro, 800 meters NE. from B. L. L. M. No. 1, Mansalay, Mindoro, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 15 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, bamboo stake, and leaves, 1 meter high, 2 meters wide at the top, 2.50 meters wide at the bottom, 3 meters long at the top, and 3 meters long at the bottom, and a canal 100 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Lapote, municipality of Mansalay, Province of Mindoro, containing an area of 8 hectares and its boundaries are: North, Lapote River and Alfonso Cusi; east, Amaga River and Cirila Salazar; south, Mansalay River and Cirila Zalazar; west, Jesus Dimatulac.

(h) That the water requested will be used from July to August of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending July 24, 1941.

V. FRAGANTE

Director of Public Works

[1-4]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Joselino G. Abaya, giving address as Abulug, Cagayan, for the appropriation of the public waters of Caral-lan Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on June 6, 1941, and that the source from which the appropriation is to be made is in the Caral-lan Creek, in Pamplona, Cagayan.

(c) That the proposed site of diversion is located

on the Caral-lan Creek, in the sitio of Caral-lan, barrio of Pimpila, municipality of Pamplona, Province of Cagayan, 4,000 meters SW. from B. L. L. M. No. 42, Simmayung, Abulug, Cagayan, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works per second of time, is 300 liters.

(e) That the proposed works are to consist of a temporary dam made of wood and clay, 1.50 meters high, 3 meters wide at the top, 6 meters wide at the bottom, 14 meters long at the top, and 13 meters long at the bottom, and a canal 1,835 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Caral-lan, barrio of Pimpila, municipality of Pamplona, Province of Cagayan, containing an area of 95 hectares and its boundaries are: North, Apolonio Dominguez and Simeon Yago; east, B. B. Gammag and Florencia Toralba; south and west, public land.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending July 24, 1941.

V. FRAGANTE

Director of Public Works

[1-4]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Rufina Dayrit, giving address as 353 Karapatan, Manila, for the appropriation of the public waters of Parua Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the office of the Director of Public Works on June 21, 1941, and that the source from which the appropriation is to be made is in the Parua Creek, in Magalan, Pampanga.

(c) That the proposed site of diversion is located on the Parua Creek, in the sitio of Balitucan, barrio of San Ildefonso, municipality of Magalan, Province of Pampanga, N. 72° 23' W., 3,264.62

meters from M. B. M. No. 14, Magalan cadastre as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, 700 liters.

(e) That the proposed works are to consist of a permanent dam made of cement, stones, and sand, 1.50 meters high, 3 meters wide at the top, 4 meters wide at the bottom, 18 meters long at the top, and 20 meters long at the bottom, and a canal 1,000 meters long and 1.50 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Balitucan, barrio of San Ildefonso, municipality of Magalan, Province of Pampanga, containing an area of 400 hectares and its boundaries are: North, heirs of Dr. Florentino Marcado; east, heirs of Augusto Gonzales; south, Lamberto P. Feliciano and others; west, Cayetano Rivera.

(h) That the water requested will be used from June to October of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending July 24, 1941.

V. FRAGANTE

[1-4]

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Andres Muntuya et al., giving address as Mansalay, Mindoro, for the appropriation of the public waters of Uyao Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on April 17, 1941, and that the source from which the appropriation is to be made is in the Uyao Creek, in Mansalay, Mindoro.

(c) That the proposed site of diversion is located on the Uyao Creek, in the sitio of Uyao, barrio of Paclasan, municipality of Mansalay, Province of Mindoro, N. 35° 00' W., 4,560 meters from B. L. M. No. 2, Paclasan, Mansalay, Mindoro, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by

the proposed works, per second of time, is 96 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, bamboos, and branches of trees, 2.50 meters high, 3 meters wide at the top, 4.50 meters wide at the bottom, 12.50 meters long at the top, and 10.50 meters long at the bottom, and a canal 400 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Uyao, barrio of Paclasan, municipality of Mansalay, Province of Mindoro, containing an area of 32 hectares and its boundaries are: North, Uyao Creek; east, Uyao Creek and others; south, Eulogio Marzoña and others; west, Uyao Creek and others.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Apolonio Pascual, giving address as San Jose, Nueva Ecija, for the appropriation of the public waters of Putot Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on December 27, 1940, and refiled in acceptable form on April 16, 1941, and that the source from which the appropriation is to be made is in the Putot Creek, in San Jose, Nueva Ecija.

(c) That the proposed site of diversion is located on the Putot Creek, in the sitio of Antipolo, barrio of Palestina, municipality of San Jose, Province of Nueva Ecija, 785 meters N. E. from B. L. M. No. 21, San Jose, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 67.5 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, gravel, sand and

branches of trees, 7 meters high, 5 meters wide at the top, 10 meters wide at the bottom, 22 meters long at the top, and 10 meters long at the bottom, and a canal 1,650 meters long and 0.50 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Antipolo, barrio of Palestina, municipality of San Jose, Province of Nueva Ecija, containing an area of 22.6217 hectares and its boundaries are: North, Putot Creek and others; east, Creek and others; south, Bati Creek and others; west, Antipolo Creek and others.

(h) That the water requested will be used from June to January of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

[4-7]

Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Emiliano C. Adorna sr., giving address as Tinambac, Camarines Sur, for the appropriation of the public waters of Lupi River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on January 24, 1941, and refiled in acceptable form on April 24, 1941, and that the source from which the appropriation is to be made is in the Lupi River, in Tinambac, Camarines Sur.

(c) That the proposed site of diversion is located on the Lupi River, in the sitio of Lupi, barrio of Lupi, municipality of Tinambac, Province of Camarines Sur, 1,050 meters S. E. from B. L. B. M. No. 10, Tinambac, Camarines Sur, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 85 liters.

(e) That the applicant will not construct a new dam, but will utilize his existing irrigation system.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Lupi, barrio of Lupi, municipality of Tinambac, Province of Camarines Sur, containing an area of 57 hectares and its boundaries are: North, Carlos Diaz and Rosendo Gonzaga; east, Ch. Ong-Taya, Ambrosio Pristo and others; south, Ch. Ong-Taya; east, Roy-roy Requeño River.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Emilio Ma. Naval, giving address as Balanga, Bataan, for the appropriation of the public waters of Talisay River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on May 12, 1941, and that the source from which the appropriation is to be made is in the Talisay River, in Pilar, Bataan.

(c) That the proposed site of diversion is located on the Talisay River, in the municipality of Pilar, Province of Bataan, N. 81° 00' E., 820 meters from M. B. M. No. 9, Pilar Cadastre, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 76 liters.

(e) That the proposed works are to consist of a temporary dam made of stones and earth, 1.20 meters high, 1.40 meters wide at the top, 3.50 meters wide at the bottom, 10 meters long at the top, and 7 meters long at the bottom.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Nagwagui, municipality of Pilar, Province of Bataan, containing an area of 35 hectares and its boundaries are: North, Talisay River; east, Toribio David and Mariano B. Banzon; south, Canal, Mariano T. Banzon and Martina David; west, Canal, Eustaquio Banzon and Angela Montenegro.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Filemon Tanchoco, giving address as 315 Alvarez, Manila, for the appropriation of the public waters of Subaan Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on March 11, 1941, and refiled in acceptable form on April 19, 1941, and that the source from which the appropriation is to be made is in the Subaan Creek, in San Antonio, Nueva Ecija.

(c) That the proposed site of diversion is located on the Subaan Creek, in the sitio of Subaan, barrio of San Jose, municipality of San Antonio, Province of Nueva Ecija, N. 17° 21' E., 861.10 meters from B. L. L. M. No. 26, San Antonio, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 90 liters.

(e) That the proposed works are to consist of a pump and canal dam made of 1,731 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Subaan, barrio of San Jose, municipality of San Antonio, Province of Nueva Ecija, containing an area of 60 hectares and its boundaries are: North, Subaan Creek; east, Crispin Mendiola, Al-Chico River and others; south, Pedro Cunanan, from May to December of each year.

(h) That the water requested will be used further notified that any person interested may object to the appropriation of said water and that

a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Gervacio Castro, giving address as Calauan, Laguna, for the appropriation of the public waters of Malanday River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on January 31, 1941, and refiled in acceptable form on May 2, 1941, and that the source from which the appropriation is to be made is in the Malanday River, in Calauan, Laguna.

(c) That the proposed site of diversion is located on the Malanday River, in the sitio of Malanday, barrio of Mabacan, municipality of Calauan, Province of Laguna, S. 2° 45' W., 2,000 meters from Masaya Station, barrio Masaya, Bay, Laguna, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 45 liters.

(e) That the proposed works are to consist of a temporary dam made of bamboo and earth, 1.75 meters high, 1 meter wide at the top, 1 meter wide at the bottom, 5 meters long at the top, and 5 meters long at the bottom, and a canal 280 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Malanday, barrio of Mabacan, municipality of Calauan, Province of Laguna, containing an area of 15 hectares and its boundaries are: North, Paputoc Creek; east, Trinidad Cabatingan; south, Juan Banaag and Damaso Cueva; west, Malanday River.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official

Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Lino Bagtas, giving address as Antipolo, Rizal, for the appropriation of the public waters of Mayamig Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on May 9, 1941, and that the source from which the appropriation is to be made is in the Mayamig Creek, in Cabanatuan, Nueva Ecija.

(c) That the proposed site of diversion is located on the Mayamig Creek, in the barrio of Cabu, municipality of Cabanatuan, Province of Nueva Ecija, 10 meters SE. from corner No. 19 of H-93600, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 6 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, 2 meters high, 1.50 meters wide at the top, 1.50 meters wide at the bottom, 6 meters long at the top, and 6 meters long at the bottom, and a canal 100 meters long and 1.50 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Cabu, municipality of Cabanatuan, Province of Nueva Ecija, containing an area of 3 hectares and its boundaries are: North and east, Mayamit Creek; south, Donato Ramos, and Luis Cabanatan; west, Ciriaca Uminga and Segundo Gabriel.

(h) That the water requested will be used from June to October of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Luis Hipol, giving address as Lupao, Nueva Ecija, for the appropriation of the public waters of Manga Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on January 2, 1941, and refiled in acceptable form on April 14, 1941, and that the source from which the appropriation is to be made is in the Manga Creek, in Lupao, Nueva Ecija.

(c) That the proposed site of diversion is located on the Manga Creek, in the sitio of Cantao, barrio of San Isidro, municipality of Lupao, Province of Nueva Ecija, 300 meters SE. from B. L. B. M. No. 13, San Isidro, Lupao, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 15 liters.

(e) That the proposed works are to consist of a temporary dam made of stones, gravel and earth, 2 meters high, 4 meters wide at the top, 5 meters wide at the bottom, 7 meters long at the top, and 7 meters long at the bottom, and a canal 265 meters long and 2 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Cantao, barrio of San Isidro, municipality of Lupao, Province of Nueva Ecija, containing an area of 6.5552 hectares and its boundaries are: North, Macanlaos Creek; east, Manga Creek; south, Luis Hipol; west, Paulino Tirante.

(h) That the water requested will be used from June to December of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and

Communications, through the Director of Public Works, by Marcelo Gallardo et al., giving address as Naujan, Mindoro, for the appropriation of the public waters of Borbocolon River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on January 31, 1941, and that the source from which the appropriation is to be made is in the Borbocolon River, in Naujan, Mindoro.

(c) That the proposed site of diversion is located on the Borbocolon River, in the barrio of Borbocolon, municipality of Naujan, Province of Mindoro, N. 76° 00' W., 1,200 meters from B. L. L. M. No. 256, Borbocolon, Mindoro, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 120 liters.

(e) That the proposed works are to consist of a temporary dam made of earth and wood, 2.50 meters high, 2.00 meters wide at the top, 6.00 meters wide at the bottom, 12.00 meters long at the top, and 12.00 meters long at the bottom, and a canal 2,030 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Borbocolon, municipality of Naujan, Province of Mindoro, containing an area of 60.2952 hectares and its boundaries are: North, municipal road; east, Babangonan River; south, municipal road; west, Felix Meregillano and Fabian Banuelos.

(h) That the water requested will be used from April to November of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Maximino Magat, giving address as Abucay, Bataan, for the appropriation of the public waters of Labaňgan River, in accordance with the

provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on October 4, 1939, and that the source from which the appropriation is to be made is in the Labaňgan River, in Abucay, Bataan.

(c) That the proposed site of diversion is located on the Labaňgan River, in the sitio of Nagbalimbing, barrio of Mabatang, municipality of Abucay, Province of Bataan, S. 58° 00' E., 550 meters from M. B. M. No. 2, Mabatang, Abucay, Bataan, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 8 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, gravel and stones, 0.75 meter high, 0.50 meter wide at the top, 1 meter wide at the bottom, 13 meters long at the top, and 12.40 meters long at the bottom, and a canal 2,900 meters long and 0.80 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the sitio of Kay Ita, barrio of Mabatang, municipality of Abucay, Province of Bataan, containing an area of 4.5279 hectares and its boundaries are: North, Maximino Magat; east, Miguel Tingson; south, Miguel de Leon and others; west, Miguel Tingson and others.

(h) That the water requested will be used throughout the year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

[4-7]

V. FRAGANTE
Director of Public Works

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Nicolas Maralit, giving address as Lipa, Batangas, for the appropriation of the public waters of Bayan River, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on May 19, 1941, and that the source from which the appropriation

is to be made is in the Bayan River, in Sta. Maria, Laguna.

(c) That the proposed site of diversion is located on the Bayan River, in the barrio of Bagongbayan, municipality of Sta. Maria, Province of Laguna, 10 meters South from corner No. 23 of lot No. 1 of Psu-54159, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 240 liters.

(e) That the proposed works are to consist of a temporary dam made of earth, stones, and wooden stakes, 1 meter high, 2 meters wide at the top, 4 meters wide at the bottom, 20 meters long at the top, and 25 meters long at the bottom, and a canal 2,000 meters long and 3 meters wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Bagongbayan, municipality of Sta. Maria, Province of Laguna, containing an area of 80 hectares and its boundaries are: North, Felix Marquez, Bagongbayan Creek and Nicanor Perez; east, Bayan River and canal; south, Pedro Carpio, Monica Alcantara and others; west, Creek and Arcadio Carandang.

(h) That the water requested will be used from April to February of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

To whom it may concern:

Notice is hereby given—

(a) That an application has been filed with the Honorable, the Secretary of Public Works and Communications, through the Director of Public Works, by Pedro Caballero, giving address as Peñaranda, Nueva Ecija, for the appropriation of the public waters of Marugui-rugui Creek, in accordance with the provisions of Acts Nos. 2152, 2652, 3208, 3523, and 3982.

(b) That said application was filed in the Office of the Director of Public Works on February 25, 1941, and refiled in acceptable form on May 28, 1941, and that the source from which the appropriation is to be made is in the Marugui-rugui Creek, in Sta. Rosa, Nueva Ecija.

(c) That the proposed site of diversion is located on the Marugui-rugui Creek, in the barrio of Liwayway, municipality of Sta. Rosa, Province of Nueva Ecija, S. 37° 30' W., 1,132 meters from B. L. L. M. No. 52, Sta. Rosa, Nueva Ecija, as shown on the sketch filed with the application.

(d) That the amount of water to be diverted by the proposed works, per second of time, is 14 liters.

(e) That the proposed works are to consist of a temporary dam made of earth and stakes, 3 meters high, 2 meters wide at the top, 8 meters wide at the bottom, 12 meters long at the top, and 10 meters long at the bottom, and a canal 101 meters long and 1 meter wide.

(f) That the appropriation of said waters is desired for irrigation purposes.

(g) That the land to be irrigated is located in the barrio of Liwayway, municipality of Sta. Rosa, Province of Nueva Ecija, containing an area of 6.8782 hectares and its boundaries are: North, Marugui-rugui Creek and C. Padilla; east, Gregorio Garcia, Conrado Padilla and others; south, Pedro Caballero and Genero Alarilla; west, Genero Alarilla and Marugui-rugui Creek.

(h) That the water requested will be used from May to December of each year.

In view of such application, you are hereby further notified that any person interested may object to the appropriation of said water and that a written protest, stating the reasons for such objection, must be filed in the office of the Director of Public Works within thirty (30) days beginning with the last day of the publication in the Official Gazette of this notice which shall take place once a week for four (4) consecutive weeks ending August 16, 1941.

V. FRAGANTE

Director of Public Works

[4-7]

NOTICES TO CONTRACTORS

CAPIZ, CAPIZ, June 25, 1941

Sealed proposals plainly marked "Proposal for the construction of the Bunod Barrio School Building at Bunod, Cuartero, Capiz," will be received at the office of the district engineer, Capiz, Capiz, until 11 a. m., July 29, 1941, and then publicly opened for furnishing all materials, labor, and plant required for the construction, complete, of one classroom of the Bunod Barrio School Building at Bunod, Cuartero, Capiz, in accordance with the Bureau of Education standard plan 1-2-3-4 (unit 1) and the specifications:

Items:

- I. Construction, complete, including painting.
- II. Construction, complete, but without painting.

Instruction to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (P10) is required for the plans and specifications, which must be returned within twenty days from the opening of the bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended; and to Department Order No. 86, dated September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the provincial treasurer of Capiz in the sum of 10 per cent of the amount of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the municipality of Cuartero.

D. ESTRELLA
District Engineer

Concurred in:

JOSE V. AGUILAR

Division Superintendent

[2-4]

CAPIZ, CAPIZ, June 26, 1941

Sealed proposals plainly marked "Proposal for the construction of the Andagao Barrio School Building at Andagao, Kalibo, Capiz," will be received at the office of the district engineer, Capiz, Capiz, until 11 a. m., July 29, 1941, and then publicly opened for furnishing all materials, labor, and plant required for the construction of the Andagao Barrio School Building at Andagao, Kalibo, Capiz, in accordance with the Bureau of Education standard plan 1-2-3-4 (unit 1) and the specifications.

Items:

- I. Construction, complete, including painting.
- II. Construction, complete, but without painting.

53199—12

Instruction to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (P10) is required for the plans and specifications, which must be returned within twenty days from the opening of the bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended; and to Department Order No. 86, dated September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the provincial treasurer of Capiz in the sum of 10 per cent of the amount of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the municipality of Kalibo.

D. ESTRELLA
District Engineer

[2-4]

June 28, 1941

Sealed proposals plainly marked "proposal for Nueva Ecija High School," will be received at the office of the district engineer, Cabanatuan, Nueva Ecija, and at the office of the Department of Public Works, Manila, until 11 a. m., July 31, 1941, and then publicly opened for furnishing all materials, labor, and plant required, and constructing complete the Nueva Ecija High School at Cabanatuan, Nueva Ecija, in accordance with specifications and standard plan No. 10-A revised, set No. A-3044, completing the work in one hundred twenty days (Sundays and legal holidays excepted) effective the date the contractor receives a copy of the approved contract.

Instruction to bidders, general conditions, proposal forms, and plans and specifications, are available for issue at the office above-named to prospective

bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (P10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government. Plans and specifications may be secured from the Bureau of Public Works, or from the office of the district engineer.

Bidders are requested to be present at the time stated above when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; and to Commonwealth Act No. 211, as amended, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the provincial treasurer at Nueva Ecija, in the sum of four thousand four hundred pesos (P4,400).

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bids as may be considered most advantageous to the Commonwealth of the Philippines.

F. L. KATIGBAK
District Engineer

[2-4]

SAN FERNANDO, LA UNION, July 8, 1941

Sealed proposals plainly marked "Proposal for the construction of additional wing and balcony of the Municipal Hall of San Fernando," will be received at the office of the district engineer, San Fernando, La Union, until 11 o'clock a. m., August 9, 1941, and then publicly opened for furnishing all the materials (except cement), labor, and plant required and constructing complete one additional wing (5.40 by 13.50 m.) and one balcony (4.44 by 6.06 m. Magalang type), in accordance with B. P. W. plans, set No. 1463, sheets 1, 2, 3, 4, and 5 and specifications at San Fernando, La Union.

Instructions to bidders, general conditions, proposal forms, and plans, and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of

section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (P10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; and to Commonwealth Acts Nos. 211 and 541, as amended; and to Department Order No. 86, dated September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the district engineer, San Fernando, La Union, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the municipality of San Fernando.

EDUARDO DE LOS SANTOS
District Engineer

[3-6]

MANILA, July 9, 1941

Sealed proposals plainly marked "Proposal for the electrical wiring of the Cebu School of Arts and Trades, Cebu," will be received at the office of the Director of Public Works, Manila, only, until 11 a. m., July 30, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the installation of the electrical wiring of the Cebu School of Arts and Trades, Cebu, in accordance with B. P. W. plans and specifications.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (P10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by

those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[3-4]

MANILA, July 17, 1941

Sealed proposals plainly marked "Proposal for Plaridel Waterworks, Bulacan," will be received at the office of the Director of Public Works, Manila, and the district engineer, Malolos, Bulacan, until 11 a. m., August 9, 1941 and then publicly opened for furnishing all the materials, labor, and plant required for constructing complete a 100,000-gallon tank in accordance with B. P. W. plans and specifications, for the Plaridel Waterworks, Bulacan.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office or offices above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211 as amended, and

Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking institution, payable to the Director of Public Works, Manila, in the sum of 10 per cent of the amount of bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

V. FRAGANTE

Director of Public Works

[4-6]

MANILA, July 18, 1941

Sealed proposals plainly marked "Proposal for Observatory Radio Station and its Powerhouse, Capalunga, Camarines Norte," will be received at the office of the Director of Public Works, Manila, only, until 11 a. m., August 11, 1941, and then publicly opened for furnishing all the materials, labor, and plant required for the construction of the Observatory Radio Station and its Powerhouse, in accordance with B. P. W. plans and specifications, set Nos. AA-11160 and AA-11161, at Capalunga, Camarines Norte.

Instructions to bidders, general conditions, proposal forms, and plans and specifications are available for issue at the office above-named to prospective bidders who have filed a satisfactory "Confidential Statement," as prescribed by Chapter XXII-1 of the "Bureau of Public Works Manual" and are eligible in accordance with the provisions of section 1 of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished on request.

A deposit of ten pesos (₱10) is required for the plans and specifications, which must be returned within twenty days from the opening of bids, by those taking part in the public bidding, and within five days by those not participating, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of section 1 of Act No. 4239; to Commonwealth Act No. 138; to Commonwealth Act No. 211, as amended, and Department Order No. 86 of September 27, 1940, to which all contractors on Government work are amenable.

Bids must be accompanied by a proposal bond in the form of cash, certified check, or certificates of fixed deposits issued by any reputable banking in-

stitution, payable to the Director of Public Works in the sum of 10 per cent of the bid.

The right is reserved to reject any or all bids, to waive any informality therein, or to accept such bid as may be considered most advantageous to the Government.

[4-6]

V. FRAGANTE
Director of Public Works

BUREAU OF COMMERCE

PUBLICATION OF TRADE-MARKS

In accordance with section 2 of Act No. 3202 of the Philippine Legislature, approved December 3, 1924, the following trade-marks, as shown in the labels herein below reproduced, are hereby published:

All oppositions must be filed not later than fifteen days from the day of the last publication in this Gazette.

(FIRST PUBLICATION)

Name of applicant: Lim Gee Lui & Co., Inc., Caloocan, Rizal.

Number of application: 597.

Date filed: April 26, 1941.

Feature of the label claimed as a trade-mark: The words "OLAS DE ORO" together with the representation of a cruiser.

Class: (e).

Articles to which affixed: Cigars and cigarettes.

Claims use: On the date of registration.



Name of applicant: Viuda de A. M. H. Lim Genco & Co., Manila, Philippines.

Number of application: 625.

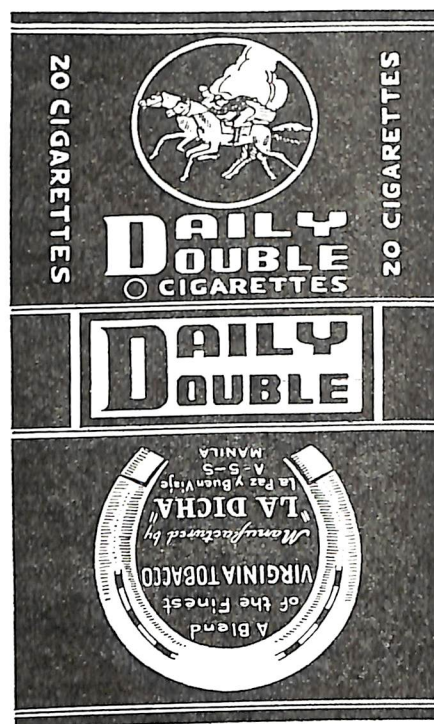
Date filed: May 24, 1941.

Feature of the label claimed as a trade-mark: The words "DAILY DOUBLE."

Class (e).

Article to which affixed: cigarettes.

Claims use: On the date of registration.



For the Director of Commerce:

CELEDONIO AGRAVA

Chief, Trade Regulation Division

Assistant to the Director

[4-9]

Notice is hereby given that applications for the registration of the trade-marks, as shown in the labels herein below reproduced, have been filed in this Office:

All oppositions must be filed not later than sixty days from the date of the publication in this Gazette.

Name of applicant: Ong Bino, Manila, Philippines.

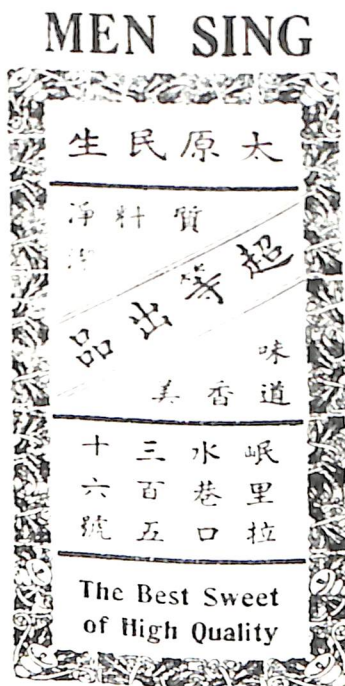
Number of application: 657.

Date filed: June 18, 1941.

Feature of the label claimed as a trade-mark: The words "MEN SING."

Class (cc).

Articles to which affixed: Sweet meats.
Claims use: Since January, 1941.



Name of applicant: Aboitiz y Cia., Inc., Manila, Philippines.

Number of application: 637.

Date filed: June 4, 1941.

Feature of the label claimed as a trade-mark: The word "KOLTEX."

Class (z).

Articles to which affixed: Woven or knitted garment.

Claims use: Since March 25, 1941.

KOLTEX
UNDERWEAR

Name of applicant: National Carbon Company, Inc., New York, N. Y., U. S. A.

Number of application: 434.

Date filed: December 12, 1940.

Feature of the label claimed as a trade-mark: The words "SIEMPRE LISTA."

Class (n).

Articles to which affixed: Electric batteries and dry cells, etc.

Claims use: Since September 10, 1940.

**SIEMPRE
LISTA**

Name of applicant: La Tondeña, Inc., and Connell Bros. Company (Philippines), Manila, Philippines.

Number of application: 601.

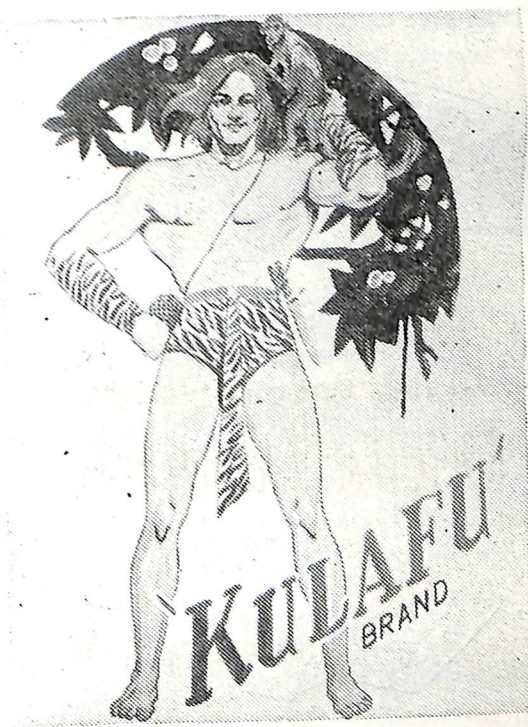
Date filed: April 28, 1941.

Feature of the label claimed as a trade-mark: The word "KULAFU."

Class (cc).

Articles to which affixed: Flour produced from cereals for food purposes, fish, dried, salted or canned, etc.

Claims use: Since April 23, 1941.



Name of applicant: Mead Johnson & Company, Evansville, Indiana, U. S. A.

Number of application: 654.

Date filed: June 12, 1941.

Feature of the label claimed as a trade-mark: The word "MEAD" in connection with the words "PECTIN-AGAR IN DEXTRI-MALTOSE."

Class (cc).

Articles to which affixed: A food product used in the treatment of disturbances of normal intestinal function.

Claims use: Since September, 1939.

MEAD'S PECTIN-AGAR IN DEXTRI-MALTOSE

Name of applicant: Navalrai Jethmal & Co., Manila, Philippines.

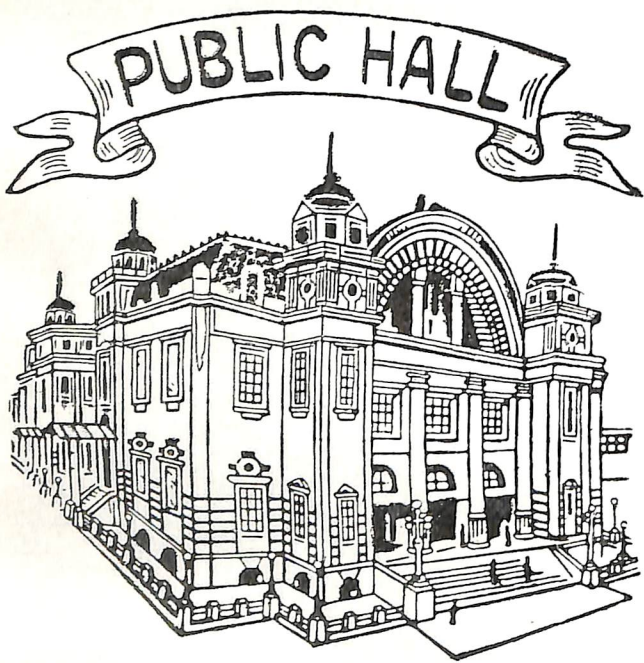
Number of application: 636.

Date filed: June 3, 1941.

Feature of the label claimed as a trade-mark: The word "PUBLIC" and the picture of a building. Class (aa).

Articles to which affixed: Coco blanco.

Claims use: Since December, 1940.



Name of applicant: Sharp & Dohme, Incorporated, Philadelphia, Pennsylvania, U. S. A.

Number of application: 618.

Date filed: May 13, 1941.

Feature of the label claimed as a trade-mark: The word "DELVINAL."

Class (d).

Articles to which affixed: Therapeutic prepara-

tions for uses comprising those of anesthetic, hypnotic, etc.

Claims use: Since February 10, 1941.

DELVINAL

For the Director of Commerce:

CELEDONIO AGRAVA

Chief, Trade Regulation Division

Assistant to the Director

ARMY OF THE PHILIPPINES

Office of the Chief of Engineers

NOTICES TO CONTRACTORS

MANILA, July 8, 1941

Sealed proposals plainly marked "Proposal for the construction of P. C. Barracks at Camp Crame, Santolan, Rizal," will be received at the office above-named and then publicly opened at the Office of the Chief of Engineers, Army of the Philippines, Manila, at 11 a. m., July 30, 1941, for furnishing all the materials, labor, and plant required for the construction of two Constabulary Barracks (22 days each), at Camp Crame, Santolan, Rizal, including one combined septic vault, complete, as per plans and specifications.

Work to be completed within ninety working days.

Instructions to bidders, general conditions, proposals, plans, and specifications may be examined at the office or offices above-named and will only be issued to prospective bidders who have complied with the requirements of the Form "Contractor's Confidential Statement." Additional information will be furnished upon application.

A deposit of ten pesos (P10) is required for each set of the plans and specifications, which must be returned within twenty days from the opening of bids, otherwise the deposit will be forfeited to the Government.

Bidders are requested to be present at the time stated above, when bids for the work will be opened.

Attention is invited to the provisions of Proclamation No. 570 and Executive Order No. 422 of the Governor-General, with which all contractors on Government work must comply.

Bids must be accompanied by a proposal bond in the form of cash or certified check, payable to the Philippine Army in the sum of 10 per cent of bid price.

The right is reserved to reject any or all bids, to waive any defect therein, or to accept such bid as

may be considered most advantageous to the Government.

For the Chief of Engineers:

N. R. JIMENEZ

Captain, Corps of Engineers

[2-4] *Assistant Chief of Engineers*

METROPOLITAN WATER DISTRICT

ADVERTISEMENT

Sealed proposals will be received at the Office of the Metropolitan Water District, 176 Arroceros, Manila, Philippines, until 11 a. m., August 6, 1941, and then publicly opened, for furnishing all the materials, labor, and plant, and constructing complete the Social Hall and Property Bodega at 176 Arroceros, City of Manila, Philippines, for the Metropolitan Water District.

Envelopes containing proposals should be sealed and plainly marked, "Proposal for the Social Hall and Property Bodega at 176 Arroceros, Manila, to be opened at 11 a. m., August 6, 1941."

Instructions to bidders, general conditions, proposals, plans, and specifications may be obtained and examined at the above-named office and will be issued only to prospective bidders, who have complied with the requirements of the Bureau of Public Works Administrative Order dated January 28, 1938, and are eligible in accordance with the provisions of Act No. 4239. A proposal by a bidder who has not been issued plans and specifications will be rejected. Additional information will be furnished upon application.

A deposit of fifteen pesos (P15) is required for each set of plans and specifications, which must be returned within twenty days from the date of opening the bid, otherwise, the said deposit will be considered as payment therefor.

Bidders are requested to be present at the time stated above when bids for the work will be opened.

Attention is invited to the provisions of Department Order No. 86 dated September 27, 1940, Act No. 4239, and Commonwealth Acts Nos. 138 and 211, as amended, with which all contractors on Government work must comply.

Bids must be accompanied by a proposal bond, in the form of cash or certified check, payable to the Treasurer of the Metropolitan Water District in the sum of not less than 10 per cent of the amount of the bid. Surety proposal bond will not be accepted.

The right is reserved to reject any or all bids, or to accept such bid or bids as may be considered most advantageous to the Metropolitan Water District.

Address all communications to "The Manager, Metropolitan Water District, 176 Arroceros, Manila, Philippines."

[4-5]

AMBROSIO MAGSASAY

Manager

CITY OF MANILA

Department of Engineering and Public Works

POUND NOTICE

Impounded in the city pound are seven hogs which, unless redeemed, will be sold at public auction on August 2, 1941.

COURTS OF FIRST INSTANCE

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Nueva Ecija, Third Judicial District]

CIVIL CASE No. 2.—*In re petition for Philippine citizenship by Go So Chan*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, attorney for the petitioner, Go So Chan, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Nueva Ecija by Go So Chan who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy on the 18th day of August, 1911, and arrived at the Port of Manila, Philippines, on the vessel *Tick An*; that he is a resident of Cabanatuan, Nueva Ecija; that his trade or profession is that of merchant in which he has been engaged since 1911; that he is married; that his wife's name is And Kim Eng, who was born in Amoy, China, and now residing at Cabanatuan, Nueva Ecija; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Go So Ki, October 15, 1920, Cabanatuan, Nueva Ecija;

Go Siu Tu, June 16, 1923, Cabanatuan, Nueva Ecija;

Maria So So Chu, July 15, 1930, Cabanatuan, Nueva Ecija;

Go So Kun, August 18, 1933, Cabanatuan, Nueva Ecija;

Felisa Go So King, June 5, 1935, Cabanatuan, Nueva Ecija;

Go So Bieng, September 13, 1937, Cabanatuan, Nueva Ecija;

Go So Sun, March 29, 1939, Cabanatuan, Nueva Ecija;

that he is able to speak and write Tagalog and Spanish; that he is the coowner and general manager of the Cabanatuan Lumber Co., Cabanatuan, Nueva Ecija, worth including buildings and merchandise, ₱66,000; that he has enrolled his children of school age in the following schools:

Far Eastern University, Stephen College, and Cabanatuan Elementary School;

that he is entitled to the benefit of section 3, Commonwealth Act No. 473, for the following reasons: That he is more than 30 years of age; that he has resided continuously in the Philippines for more than ten years; citing Messrs. Marcelo L. Figueroa and Jose Carlos, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 30th day of October, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in *The Tribune*, newspaper of general circulation in the Province of Nueva Ecija and in the municipality of Cabanatuan, Nueva Ecija, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of court.

Witness the Hon. Guillermo F. Pablo, Judge of the Court of First Instance of Nueva Ecija, this 2d day of July in the year 1941.

Attest: [SEAL] B. GUZMAN
[2-4] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Nueva Ecija, Third Judicial District]

CIVIL CASE NO. 3.—*In re petition for Philippine citizenship by Lim Hoo*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Patricio B. Blando, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Nueva Ecija by Lim Hoo, who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy on the 26th day of December, 1906, and arrived at the Port of Manila, Philippines, on the vessel *S. S. Ruwi Zafiro*, that he is a resident of Cabanatuan, Nueva Ecija; that his trade or profession

is that of sales manager of the Sino-Philippine Lumber Co., at Cabanatuan, Nueva Ecija, in which he has been engaged since January, 1925; that he is a widower; that his deceased wife's name was Lee Cho, who was born in Amoy, China, and was a resident at Amoy, China; that he has no child; that he is able to speak and write English and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: That he having continuously resided in the Philippines for about thirty-five years; citing Messrs. Silverio Choco and Andres Navallo, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 5th of November, A. D. 1941, at 8 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner once a week for three consecutive weeks in the Official Gazette and in the *La Opinión*, a newspaper of general circulation in the Province of Nueva Ecija, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Dionisio de Leon, Judge of the Court of First Instance of Nueva Ecija, this 8th day of July in the year 1941.

Attest: [SEAL] B. GUZMAN
[3-5] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of the Province of Zamboanga, Ninth Judicial District, Zamboanga Branch.]

CIVIL CASE NO. 4.—*In re petition for Philippine citizenship by Agustin Montañez (alias Agustin Ku Ho Choo).*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Serapio J. Datoc, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Zamboanga by Agustin Montañez (alias Agustin Ku Ho Choo), who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy, China, on or about the 15th day of April, 1898, and arrived at the Port of Manila, Philippines, on the vessel "*Zaperu*"; that he is a resident of barrio

of Labañgan, municipality of Pagadian, Province of Zamboanga; that his trade or profession is that of farming in which he has been engaged since 1913, and from which he derives an average annual income of ₱800; that he is married; that his wife's name is Mora Mandi Ong, who was born in Cotabato, Cotabato, and now resides at Labañgan, Pagadian, Zamboanga; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

1. Dionicio Montañez, September 10, 1908, Cotabato, Cotabato;
2. Faustina Montañez, February 14, 1915, Cotabato, Cotabato;
3. Florencio Montañez, May 10, 1918, Labañgan, Pagadian, Zamboanga;
4. Julia Montañez, April 12, 1923, Labañgan, Pagadian, Zamboanga—all of whom are residing in Labañgan, Pagadian, Zamboanga;

that he is able to speak and write Spanish and Tagalog; that he has enrolled his children of school age in the following schools:

1. Dionicio, Labañgan, Elementary School, 1916–1924; Cotabato High School, 1924–1925;
2. Faustina, Labañgan, Elementary School, 1922–1929;
3. Florencio, Labañgan, Elementary School, 1925–1932;
4. Julio, Labañgan, Elementary School, 1932–1940;

that he is entitled to the benefit of section 3, Commonwealth Act No. 473, for the following reason: That he is married to a Filipino woman; and citing Messrs. Jose Zulueta and Jorge Lubgugan, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 1st day of November, A. D. 1941, at 8.30 a. m., and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *El Criterio*, a newspaper of general circulation in the Province of Zamboanga, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Honorable Potenciano Pecson, Judge of the Court of First Instance of Zamboanga, this 30th day of June, 1941.

Attest:

[2–4]

[SEAL] ARSENIO DE GUZMAN
Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Tayabas fifth Judicial District.]

CADASTRAL CASE No. 11, G. L. R. O. CADASTRAL RECORD No. 593, LOT No. 14066.—*The Government of the Philippines, petitioner, vs. Isidro Abadicio et al., claimants.*

NOTICE

On the 7th day of August, 1941, at 8.30 a. m., before this Court of First Instance of Tayabas, will be the hearing of the motion of Trinidad Liwag, praying that the one-half share belonging to the deceased Odon O. Oblesias of the land described in the Transfer Certificate of Title No. 6696, be apportioned equally to the minors Hermogenes, Josefa, Dolores, and Lorenza surnamed Oblesias, and she be appointed guardian ad litem of the said minors; on the said date, hour, and place, all persons interested therein may appear and show cause why said motion should not be granted.

Let this notice be published in the official Gazette according to law.

Lucena, Tayabas, July 8, 1941.

[SEAL] JUSTO V. IMPERIAL

[3–5]

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Tarlac, Third Judicial District]

CIVIL CASE No. 19.—*In re petition for Philippine citizenship. Juan Jimenez Sierra, petitioner*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Manila, and Mr. Simeon Salak, Tarlac, Tarlac, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Tarlac by Juan Jimenez Sierra who alleges that he was born in Ronda, Malaga, Spain; that he emigrated to the Philippines from Ronda, Malaga, Spain, on or about the 19th day of March, 1929; and arrived at the Port of Manila, Philippines, on the vessel *C. Lopez y Lopez*; that he is a resident of San Miguel, Tarlac, Tarlac; that his trade or profession is that of an employee of the Compañia Tabacalera de Filipinas; that he is married; that his wife's name is Soledad Borrás Arimbay, who was born in Bulan, Albay, Philippines, and now resides in San Miguel, Tarlac, Tarlac; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Pedro Jimenez Arimbay born on April 9, 1931, Manila—San Miguel, Tarlac, Tarlac;

Ana Carmen Jimenez Arimbay born on October 26, 1935, Manila—San Miguel, Tarlac, Tarlac;

Juanita Jimenez Arimbay born on September 25, 1937, Manila—San Miguel, Tarlac, Tarlac;

Trinidad Jimenez Arimbay born on January 28, 1939, San Miguel, Tarlac, Tarlac—San Miguel, Tarlac, Tarlac;

that he is able to speak and write Spanish and Tagalog; that he has enrolled his children of school age in the following schools:

Pedro Jimenez Arimbay, Holly Ghost College, Tarlac, Tarlac;

Ana Carmen Jimenez Arimbay, Holly Ghost College, Tarlac, Tarlac;

Juanita Jimenez Arimbay, Holly Ghost College, Tarlac, Tarlac;

that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for a term of more than ten years; citing Messrs. Arsenio Lugay and Jose Espinosa, jr., both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 24th day of November, A. D. 1941, at 10 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the province of Tarlac, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Pablo Angeles David, Judge of the Court of First Instance of Tarlac, this 15th day of July, in the year 1941.

Attest: [SEAL] AURELIO DIGO
[4-6] Clerk of Court, Tarlac

[United States of America, Commonwealth of the Philippines. In the Court of First Instance, Province of Rizal, Fourth Judicial District]

CIVIL CASE NO. 57.—*In re petition for Philippine citizenship by Luciano Vecin y Llor*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Luciano Vecin y Llor, petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 535, has been presented to this Court of First Instance of Rizal

by Luciano Vecin y Llor who alleges that he was born on the 29th day of March, 1906, in Manila, Philippines; that he is at present a citizen of Spain; that he is a resident of No. 45 Ochoa Street, Pasay, Rizal; that his trade or profession is employee, in which he has been engaged since April 5, 1941; that he is single; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for a term of thirty-five years; citing Messrs. Guillermo Gomez and Ricardo Gonzales Lloret, as witnesses whom the petitioner proposes to introduce in support of this petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 31st day of October, 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at petitioner's expense once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Diego Locsin, Judge of the Court of First Instance of Rizal, this 11th day of July, 1941.

Attest: [SEAL] SEVERO ABELLERA
[3-5] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance, Province of Rizal, Fourth Judicial District]

CIVIL CASE NO. 61.—*In re petition for Philippine Citizenship by Victoriano Hernandez Perez*

To the Honorable Solicitor-General and Mr. Victoriano Hernandez Perez, petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Act No. 473, has been presented to this Court of First Instance of Rizal by Victoriano Hernandez Perez who alleges that he was born on the 20th day of May, 1875, at Gil Garcia, Avila, Spain; that he migrated to the Philippines, on or about the 18th day of January, 1897; that he is a resident of No. 2 S. Guzman, S. Juan del Monte, Rizal, and his former address was 304 Cabildo, Intramuros, Manila; that his trade or profession is a merchant; that he is married; that his wife's name is Manuela Villanueva who was born in Batangas, Batangas, and now resides with the petitioner at the above stated address; that he is able to speak and write Spanish, Tagalog, and little English; that he is entitled to the benefit of Act No. 473, having resided continuously in the Philippines, since 1897, and owner of real estate, situated in

Manila and worth P90,000, citing Messrs. Miguel Cuenco and Miguel Raffinan, both citizens of the Philippine Islands, as witnesses whom he proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 14th day of October, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at petitioner's expense once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this court.

Witness the Hon. Diego Loesin, Judge of the Court of First Instance of Rizal, this 8th day of July, 1941.

Attest:

[3-5]

[SEAL] SEVERO ABELLERA
Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Oriental]

CIVIL CASE No. 443.—*In re petition for Philippine citizenship by Fr. Antonio Ullate*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Enrique Medina, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Oriental by Fr. Antonio Ullate who alleges that he was born in the Philippines from Navarra, Spain; that he emigrated to the Philippines from Spain on or about the 9th day of November, 1907, and arrived at the Port of Manila, Philippines, on the vessel *S. S. Luzon*; that he is a resident of Dauin, Negros Oriental; that his trade or profession is that of priest of the Roman Catholic Church in which he has been engaged since 1907; that he is single; that he is able to speak and write Spanish and the Visayan dialect; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: He had continuously resided in the Philippines for a term of thirty-four years; citing Messrs. Gregorio Tubat and Alfonso Ausejo, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 15th day of October, A. D. 1941, at 7.30 a. m.; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *Sudlon*, a newspaper of

general circulation in the Province of Negros Oriental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero B. Cabahug, Judge of the Court of First Instance of Negros Oriental, this 24th day of June in the year 1941.

Attest:

[2-4]

[SEAL] J. C. HERNANDO

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Oriental]

CIVIL CASE No. 444.—*In re petition for Philippine citizenship by Fr. Juan Lorenzo*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Enrique Medina, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Oriental by Fr. Juan Lorenzo who alleges that he was born in San Millan de la Cogolla, Spain; that he emigrated to the Philippines from Spain on or about June, 1895, and arrived at the Port of Manila, Philippines, on the vessel *S. S. Mindanao*; that he is a resident of Bacong, Negros Oriental; that his trade or profession is that of priest of the Roman Catholic Church in which he has been engaged since 1895; that he is single; that he is able to speak and write Spanish and the Visayan dialect; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: He had resided in the Philippines continuously for a term of forty-six years; citing Messrs. Alfonso Ausejo and Gregorio Tubat, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 25th day of October, A. D. 1941, at 7.30 a. m.; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *Sudlon*, a newspaper of general circulation in the Province of Negros Oriental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero B. Cabahug, Judge of the Court of First Instance of Negros Oriental, this 24th day of June in the year 1941.

Attest:

[2-4]

[SEAL] J. C. HERNANDO

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of the Province of Abra, First Judicial District]

CIVIL CASE NO. 634.—*In the matter of the Intestate estate of the deceased, Felicidad Torrijos. Melchor Valeros, applicant.*

ORDER

It is hereby ordered to all those having money claims against the estate of the deceased, Felicidad Torrijos, to present the same within eight months after the first publication of this notice, otherwise, said claims shall be barred.

The administrator is hereby ordered to cause this order to be published in the Official Gazette, during three consecutive weeks and to place in four public places of the province and two public places within the municipality where the deceased has last resided.

So ordered.

Bangued, Abra, May 13, 1941.

[SEAL] JOSE S. BAUTISTA

[3-5]

Judge

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 661.—*In re petition for Philippine citizenship by Charles Villeta Grodzicki.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Felisimo G. Alvendia, Nubla Law Office, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Charles Villeta Grodzicki who alleges that he was born in Intramuros, Manila; that he is a resident of 1114 Dakota Street, Manila; that his trade or profession is that of salesman in which he has been engaged since January, 1940; that he is married; that his wife's name is Maria Luisa Bascaran, who was born in Bacon, Sorsogon, and now resides at 1114 Dakota Street, Manila; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Charles Barcaran Grodzicki, jr., born August 22, 1928, Manila;

Marie-Ann Bascaran Grodzicki, born July 26, 1940, Manila;

that he is able to speak and write English, Spanish, and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following

reason: For having been born in the City of Manila, Philippines; citing Messrs. Cesar de Larrazabal and Enrique Arrastia, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 30th day of October, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 1st day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[2-4]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE NO. 662.—*In re petition for Philippine citizenship by Tan Chin Haw.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Tan Chin Haw, 201-203 Gandara Street, Manila, petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Tan Chin Haw who alleges that he was born in Hosan, Amoy, China; that he emigrated to the Philippines from Amoy, China, in the year, 1907; and arrived at the Port of Manila, Philippines, on the vessel *Tai Seng*; that he is a resident of 201-203 Gandara Street, Manila; that his trade or profession is that of merchant in which he has been engaged since 1935; that he is married; that his wife's name is Kua Keng Hua, who was born in Amoy, China, and now resides at 201-203 Gandara, Manila; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows:

Tan O Pay, Hosan, Amoy, China, November 19, 1923, 201-203 Gandara, Manila;

Tan Soo Chiu, Manila, November 17, 1924, 201-203 Gandara, Manila;

Tan Chu Lai, Hosan, Amoy, China, July 31, 1929, 201-203 Gandara, Manila;

Mercedes Tan, Manila, September 24, 1930, 201-203 Gandara, Manila;

Tan Soo Eng, Hosan, Amoy, China, October 10, 1931, Amoy, China;

that he is able to speak and write English, Spanish, and Tagalog; that he is the owner of a shoe business worth ₱30,000; that he has enrolled his children of school age in the following schools:

Tan O Pay, in the Chiang Kai Shek High School, Manila;

Tan Soo Chiu, in the Philippine Chinese High School, Manila;

Tan Chu Lai and Mercedes Tan, in the Chinese National School, Manila; and

Tan Soo Eng, in the Amoy Elementary School, Amoy, China;

that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for a term of more than thirty years; citing Messrs. Salvador Buhay and Ricardo Agapito, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 31st day of October, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 1st day of July in the year 1941.

Attest:

[SEAL] L. PASICOLAN
Clerk of the Court

[2-4]

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 663.—*In re petition for Philippine citizenship by Carlos Palanca*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. J. B. Laurel, Cu Unjieng Building, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to

this Court of First Instance of Manila by Carlos Palanca who alleges that he was born in Amoy, China, that he emigrated to the Philippines from China in 1884; that he is a resident of 1622 Taft Avenue, Manila; that his trade or profession is that of businessman in which he has been engaged since 1890; that he is a widower; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows:

Marciana, November 2, 1895, 94 N. Domingo, S. Juan;

Angel, October 1, 1898, 51 Invernes;

Sebastian, January 20, 1900, 1360 Gral. Luna;

Justo, October 18, 1908, Pasay, Rizal;

Leonarda, January 4, 1913, 1808 Sandejas;

Miguela, May 8, 1914, 1622 Taft Avenue;

Carlos, jr., June 4, 1916, 110 Villaruel, Pasay;

Antonio, October 6, 1919;

Macario, April 10, 1921;

Milagros, November 29, 1924;

Maria Teresa, October 26, 1926;

Carmen, June 2, 1928;

Ramon, June 23, 1928;

Consuelo, September 2, 1929;

Manuel, January 3, 1931;

Elenita, November 4, 1932; and

Alfredo, July 4, 1935, all are residing at 1622 Taft Avenue, Manila;

that he is able to speak and write Spanish and Tagalog; that he has enrolled his children of school age in the following schools:

Antonio at Sto. Tomas University;

Macario at F. E. U.;

Milagros at Saint Escolastica's;

Teresita and Alfredo at St. Paul's Institution;

Ramon, Carmen, Elenita, Consuelo, and Manuel at St. Stephen's Chinese Girl's.

that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for a term of fifty-seven years; citing Messrs. Manuel A. Roxas and Vicente Madrigal, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on the 3d day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Tribune*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 3d day of July in the year 1941.

Attest. [SEAL] L. PASICOLAN
Clerk of the Court
By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI
[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 664.—*In re petition for Philippine citizenship by Vicente J. Campa*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Messrs. Ramirez & Ortigas, Filipinas Building, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Vicente J. Campa who alleges that he was born in Walled City, Manila, Philippines; that he is a resident of No. 1176 M. H. del Pilar Street; that his trade or profession is that of M. D. graduate; that he is single; that he is able to speak and write English, Spanish, and Tagalog; that he is the owner of real estate, situated in Manila worth ₱15,000; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: for having been born in the Philippines; citing Messrs. Col. Telesforo Martinez and Arsenio Lacson, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 7th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 7th day of July, in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court
By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI
[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 665.—*In re petition for Philippine citizenship by Jose Rafael Romero*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Rafael D. Gonzalez, 329 Echague, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Jose Rafael Romero who alleges that he was born in Bato, Catanduanes, Albay, on the 4th day of January, 1910; that he is a resident of 1235 Santa Mesa, Manila; that his trade or profession is that of employee in which he has been engaged since 1926; that he is married; that his wife's name is Victoria Aenlle, who was born in Melida, Navarra, Spain, and now resides at 1235 Santa Mesa, Manila; that he has a child, and the name, date and place of birth, and place of residence of said child are as follows:

Milagros Cecilia Romero born in the City of Manila on November 22, 1937, now residing at No. 1235 Santa Mesa, Manila;

that he is able to speak and write English, Spanish, and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the Philippines; citing Messrs. Enrique Biel, jr., and Pedro Sanz, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 7th day of November, A. D., 1941, at 8.30 a. m., and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 7th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN
Clerk of the Court
By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI
[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 666.—*In re petition for Philippine citizenship by Lee Hui.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Messrs. Cortes & Reyes, Brias Roxas Building, attorneys for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Manila by Lee Hui who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy, China, in the later part of January, 1923; and arrived at the Port of Manila, Philippines, on or about February 1, 1923; that he a resident of 511 Alvarado Street, Manila; that his trade or profession is that of proprietor and businessman in which he has been engaged since 1928; that he is married; that his wife's name is Chu Kua Po, who was born in Amoy, China, and now resides at 511 Alvarado Street, Manila; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows:

Lee Tiong Shing, born in Chuangchu, China, January 20, 1932—residing at 511 Alvarado; and

Lee Yoc Si, born in Chuangchu, China, February 26, 1937—residing at 511 Alvarado, Manila;

that he is able to speak and write English, Tagalog, and Pangasinan; that he is the owner of Tableria "La Suerte" located at Dagupan, Pangasinan, worth ₱70,000; citing Messrs. Quintin Paredes and Eugenio Perez, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition:

Therefore, you are hereby given notice that said petition will be heard by this court, on the 4th day of November, A. D., 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Herald*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 7th day of July in the year 1941.

Attest:

[SEAL] L. PASICOLAN
Clerk of the Court

By: AMBROLIO V. BORJA
Deputy Clerk, Branch VI

[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 667.—*In re petition for Philippine citizenship by Julio J. Guidotti y Vicoña*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Messrs. Ramirez y Ortigas, Filipinas Building, Manila, attorneys for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Julio J. Guidotti who alleges that he was born in Intramuros, Manila, on the 15th day of December, 1910; that he is a resident of 1087 R. Hidalgo, Manila; that his trade or profession is that of printer in which he has been engaged since 1933; that he is married; that his wife's name is Alicia Aguado, who was born in Ilocos Norte and now resides at 1087 R. Hidalgo, Manila; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Trinidad, February 21, 1935, Manila—1087 R. Hidalgo;

Julia, January 29, 1938, Manila—1087 R. Hidalgo;

Julio, October 17, 1939, Manila—1087 R. Hidalgo;

that he is able to speak and write English, Spanish, and Tagalog; that he has enrolled one of his children of school age in the following school:

Trinidad, at St. Josephs' Academy, Quezon City;

that he is entitled to the benefit of Commonwealth Act No. 535, for the following reason: Having been born in the Philippines; citing Messrs. Jose Warren and Pablo L. Gomba, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 10th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 10th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 668.—*In re petition for Philippine citizenship by Vishnu D. Gokhale*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Bienvenido A. Tan, 240 Dasmariñas, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Manila by Vishnu D. Gokhale who alleges that he was born in Poona City, India; that he emigrated to the Philippines from San Francisco, U. S. A., on the 15th day of June, 1933; and arrived at the Port of Manila, Philippines, on the vessel *President Pierce*; that he is a resident of 1411 Estrada, Singalong; that his trade or profession is that of professor in the University of the Philippines; that he is single; that he is able to speak and write English, Spanish, and Tagalog; that he is entitled to the benefit of section 3, Commonwealth Act No. 473; citing Messrs. Vidal A. Tan and Felipe Estella, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 10th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 11th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 669.—*In re petition for Philippine citizenship by Celine Lang Vda. de Brunshwig*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Bienvenido A. Tan, 240 Dasmariñas, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Celine Lang Vda. de Brunshwig who alleges that she was born in St. Marie-Aux Mines, France; that she emigrated to the Philippines from St. Marie-Aux Mines, France; and arrived at the Philippines, on the vessel *Rubbi*; that she is a resident of 1016 Carolina, Manila; that her trade or profession is that of housewife; that she is a widow; that she is able to speak and write English, Spanish, and French and understand and speak Tagalog; that she is the owner of real estate, situated in the Philippines; that she is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided in the Philippines since 1904; citing Messrs. Miguel Simon and Agapito Francisco, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 11th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Herald*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 11th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 670.—*In re petition for Philippine citizenship by Felipe Tan*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Felipe Tan, 714 Tabora, Manila, petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Felipe Tan who alleges that he was born in Argao, Cebu, on the 8th day of May, 1902; that he is a resident of No. 714 Tabora, Manila; that his trade or profession is that of employee and salesman in which he has been engaged about twelve years ago; that he is married; that his wife's name is Lim Sun, who was born in Lam An, China, and now resides at 714 Tabora, Manila; that he has children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

Chi Hong Tan, December 10, 1925, Lam An, China;

Chi Kay Tan, December 22, 1931, Lam An, China;

Chi Kay Tan, December 22, 1931, Lam An, China;

Chi Sy Tan, October 3, 1933, Lam An, China;

that he is able to speak and write Spanish and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in Argao, Cebu, Philippines; citing Messrs. Gregorio Ablay and Abundio Amano, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 11th day of November, A. D., 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 12th day of July in the year 1941.

Attest:

[SEAL]

L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

53199—13

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 672.—*In re petition for Philippine citizenship by Tong Biao*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Fidel J. Silva, Insular Life Building, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Tong Biao who alleges that he was born in Amoy, China; that he emigrated to the Philippines from Amoy, China, on the 25th day of May, 1909; that he is a resident of 658 Magdalena Street; that his trade or profession is that of broker; that he is married; that his wife's name is Yu Kuy alias Tong Kuy, who was born in Fukien, China, and now resides at 658 Magdalena Street; that he has no children; that he is able to speak and write English, Spanish, and Tagalog; that he is the owner of real estate, situated in Manila worth ₱5,000; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having resided continuously in the Philippines for more than thirty-two years; citing Messrs. Pablo M. Silva and Manuel P. Arenas, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 17th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 15th day of July in the year 1941.

Attest:

[SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 673.—*In re petition for Philippine citizenship by Helen Grodzicki.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Felicesimo G. Alvendia, % Nubla Law Office, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Helen Grodzicki who alleges that she was born in Manila, Philippines, on the 29th day of April, 1916; that she is a resident of 1114 Dakota, Manila; that her trade or profession is that of saleslady in which she has been engaged since 1938; that she is single; that she is able to speak and write English, Spanish and Tagalog; that she is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in Manila, Philippines; citing Messrs. Cesar de Larrazabal and Juan B. Lacson, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of her petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 17th day of November, A. D. 1941, at 8.30 a. m., and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto, Judge of the Court of First Instance of Manila, this 15th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila]

CIVIL CASE No. 674.—*In re petition for Philippine citizenship by Enrique Partier*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Jose Sotelo, Manila, attorney for the petitioner, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended

by Commonwealth Act No. 535, has been presented to this Court of First Instance of Manila by Enrique Partier who alleges that he was born in Manila, Philippines, on the 11th day of April, 1908; that he is a resident of 211 Romero Salas Street; that his trade or profession is that of mechanical engineer in which he has been engaged since 1927; that he is married; that his wife's name is Marjorie Gardiner, who was born in Hongkong, China, and now resides at Manila; that he has a child, and the name, date, and place of birth, and place of residence of said child are as follows:

Helen Josephine, born in Hongkong, March 1, 1938;

that he is able to speak and write English, Spanish and Tagalog; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the City of Manila, Philippines; citing Messrs. Vicente Rivera and Francisco Aguado, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, on the 18th day of November, A. D. 1941, at 8:30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Justice*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Quirico Abeto Judge of the Court of First Instance of Manila, this 17th day of July in the year 1941.

Attest: [SEAL] L. PASICOLAN

Clerk of the Court

By: AMBROLIO V. BORJA

Deputy Clerk, Branch VI

[4-6]

[United States of America, Commonwealth of the Philippines. In the Justice of the Peace Court of Vigan, Ilocos Sur, Fifth Judicial District]

CIVIL CASE No. 1040.—*Chan Teh, plaintiff, vs. Cirilo Quibilan, defendant*

OFFICE OF THE PROVINCIAL SHERIFF
Vigan, Ilocos Sur

ORDER OF ATTACHMENT AND NOTICE OF SALE

Whereas an order of execution in the above-entitled case was issued against the defendant Cirilo Quibilan for the recovery of the sum of ₱118.25 together with legal interests and the legal fees of this office for the services of this execution; and

Whereas the defendant Cirilo Quibilan, according to the plaintiff, Chan Teh, is the owner of the following described properties:

A residential lot situated in the barrio of Raois, Vigan, Ilocos Sur, bounded on the north, by properties of Dionisio Alimboyuguen and Espiridion Castañeda; on the east, lane; on the south, Espiridion Castañeda; and on the west, Domingo Aurellado; containing an area of 7,783 square meters, more or less; declared under tax No. 11982-A in the name of Manuel Quibilan and Juan Floirendo, and assessed for ₱90. There exists in this residential lot a permanent improvement consisting of a house of mixed materials, with galvanized iron roofing, with a ground floor of 140.70 square meters, of two stories with concrete walls in the first story; declared under tax No. 16894-A, and assessed for ₱1,000, in the name of Manuel Quibilan.

A parcel of stony land situated in Rugsuanan, Vigan, Ilocos Sur, bounded on the north, lane; on the east, stony land; on the south, stony land; and on the west, Marcos Floirendo; containing an area of 17,900 square meters, more or less; declared under tax No. 14857-A, and assessed for ₱50.

Wherefore, all rights, interests, and participation which the said Cirilo Quibilan may have in the foregoing properties are hereby attached and levied upon, and the said properties shall be sold at public auction for cash to the highest bidder in the provincial capitol, Vigan, Ilocos Sur, on the 18th day of August, 1941, between 10.30 a. m. and 5.00 o'clock p. m. This order of attachment and notice of sale shall be published in the Official Gazette once a week for three consecutive weeks. A copy of this order and notice was sent to the defendant Cirilo Quibilan by registered mail and another copy was sent to the plaintiff Chan Teh by ordinary mail. Three copies of this order and notice were posted in three conspicuous places in Vigan, Ilocos Sur.

Done at Vigan, Ilocos Sur, this 7th day of July, 1941.

[SEAL] MAXIMO J. SAVELLANO
Provincial Sheriff

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Laguna, Fifth Judicial District]

SPECIAL PROCEEDING No. 3535.—*In the matter of the adoption of the minors Soledad Ong and Arnulfo Ong. Geminiano Ong Acero and Gloria Gomez Ong, petitioners.*

ORDER

A verified joint petition, dated July 11, 1941, having been presented by the spouses Geminiano Ong Acero and Gloria Gomez Ong, residents of the

municipality of Siniloan, Laguna, praying for the adoption of the minors Soledad Ong and Arnulfo Ong, 10 and 7 years of age, respectively, also residents of the same municipality; and said petition being accompanied by the written consent of the parents of the minors, Chin Kim Tia and Tan Sico Go;

It is hereby ordered that this petition be, and is hereby, set for hearing on August 15, 1941 at 8.30 o'clock in the morning, before this Court at Santa Cruz, Laguna, and any interested party may appear on said time, date and place, to show cause why said petition should not be granted.

It is further ordered that a copy of this order be published in the Official Gazette, once a week for three consecutive weeks, prior to the date of the hearing, at the expense of the petitioners.

So ordered.

Santa Cruz, Laguna, July 15, 1941.

[SEAL] ARSENIO P. DIZON
Judge

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Ilocos Sur, First Judicial District]

CIVIL CASE No. 3804.—*Intestate estate of the deceased Espiritu Paraiso. Dionisia Romero, petitioner.*

ORDER

A petition having been filed in the above-entitled case praying for the opening of proceedings over the estate of Espiritu Paraiso, who is alleged to have died intestate on September 25, 1937, and who at the time of his death was a resident of Vigan, Ilocos Sur, such estate, consisting of real properties valued at ₱22,960, being located in the Province of Ilocos Sur, against which the petitioner has a claim of ₱1,800;

It is hereby ordered, that the hearing of said petition be set for August 30, 1941, at 8.30 a. m., before this court at Vigan, Ilocos Sur, and that a copy hereof be published in the Official Gazette once a week during three consecutive weeks for the information of all concerned.

So ordered.

Vigan, Ilocos Sur, July 12, 1941.

[SEAL] JOSE S. BAUTISTA
Judge

[4-6]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Capiz]

CIVIL CASE No. 3864.—*In re petition for Philippine citizenship by Sebastian Corro y Guardia*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Sebastian Corro y Guardia, petitioner c/o Central Azu-

carera de Pilar, Pilar, Capiz, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 has been presented to this Court of First Instance of Capiz by Sebastian Corro y Guardia, who alleges that he was born in Manila on February 28, 1911, is a resident of Pilar, Capiz, Philippines, citing Gov. Gabriel K. Hernandez and Arturo A. Jugo, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition; therefore,

You are hereby given notice that said petition will be heard by this court on the 19th day of December, 1941, at 8 a. m.; and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the Official Gazette and in the *El Tiempo*, a newspaper of general circulation in the Province of Capiz, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Catalino Buenaventura, Judge of the Court of First Instance of Capiz, this 2d day of July in the year 1941.

Attest: [SEAL] JUAN L. PASTRANA
[4-6] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Ilocos Sur, First Judicial District]

CIVIL CASE NO. 3957.—*Petrona Trinidad, plaintiff vs. Isabelo Trinidad, Tiburcia Trinidad, Felipe Trinidad, and Pio Trinidad, Defendants.*

ORDER

Upon the filing of the complaint in this case, praying for the partition of two portions of a parcel of land, situated in the municipality of Magsingal, Ilocos Sur, Philippines, consisting of magueyland and two fishponds, and upon petition of the plaintiff, let the defendant Pio Trinidad, who is alleged to be of unknown whereabouts and who cannot be located, be summoned, through publication of this order in the Official Gazette, once a week during three consecutive weeks; said defendant being required to appear before this Court of First Instance, at Vigan, Ilocos Sur, Philippines, on or before the 30th day of August, 1941, to answer said complaint or file whatever pleading in his defense. Should he fail to do so on or before the time fixed above, the party plaintiff will be entitled to ask that judgment by default be entered against said defendant, and that she be granted such relief as prayed for in her complaint.

The plaintiff is ordered to send by ordinary mail

to the said defendant, and at his postal address last known, copies of this order and of the complaint and present timely the affidavits required in article 21 of Rule 7 of the Court.

So ordered.

Vigan, Ilocos Sur, July 8, 1941.

[SEAL] JOSE S. BAUTISTA

Judge

[3-5]

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District].

CIVIL CASE NO. 8787.—*In the matter of the petition of Sebastian Cosculluela to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Sebastian Cosculluela, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Negros Occidental by Sebastian Cosculluela who alleges that he was born in Barbastro, Spain, on January 20, 1905; that he is resident in the City of Bacolod, Province of Negros Occidental, Philippines; that his trade or profession is an employee of the Manila Motors Co., Inc., in which he is engaged since 1935; that he is married; that his wife is Teresa Aderna; that he has children; and the name, date, and place of birth of said children are as follows:

Rosalinda Cosculluela born in Cebu on August 22, 1931;

Jose Roberto Cosculluela born in Cebu on October 15, 1933;

Alfonso Fermin Cosculluela born in Cebu on June 29, 1936;

Carmen Chu Cosculluela born in Bacolod on October 11, 1939;

that he is able to speak and write English and Spanish languages; that his annual income is ₱4,000; that his children are enrolled in Colegio de la Consolacion, City of Bacolod, Philippines; that he is entitled to the benefit of Commonwealth Act No. 473, for having resided continuously in the Philippines for a period of twenty years; citing Messrs. Rafael B. Grey and Dr. Jesus Nolasco, both citizens of the Philippines and residents in the City of Bacolod, Negros Occidental, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court on November 14, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *Philippines Herald*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in this office of the clerk of court.

Witness the Hon. Pablo S. Rivera, Judge of the Court of First Instance of Negros Occidental, this 24th day of June, 1941.

Attest: [SEAL] RUFO DE BOSCH
[3-5] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District].

CIVIL CASE NO. 8788.—*In re petition for Philippine citizenship by Jose Ynza*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Mr. Hugo P. Rodriguez, Isabela, Negros Occidental, attorney for the petitioner, Mr. Jose Ynza, Manapla, Negros Occidental, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Occidental by Jose Ynza who alleges that he was born in Iloilo City, Philippines; that he is a resident of Manapla, Negros Occidental; that his trade or profession is that of proprietor; that he is single; that he is able to speak and write English, Spanish, and Visayan; that he is the owner of real estate, situated in the Province of Negros Occidental worth ₱150,000; that he is entitled to the benefit of Commonwealth Act No. 535 for the following reason: For having been born in the City of Iloilo, Philippines; citing Messrs. Jesus Ganson and Hugo P. Rodriguez, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, in the Second Branch, on the 14th day of November, A. D. 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the Province of Negros Occidental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero Rodas, Judge of the Court of First Instance of Negros Occidental, this 24th day of June, in the year 1941.

Attest: [SEAL] RUFO DE BOSCH
[3-5] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District]

CIVIL CASE NO. 8803.—*In the matter of the petition of Jose Zubiri y Berruezo.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General and Mr. Jose Zubiri y Berruezo and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Act No. 535, has been presented to this Court of First Instance of Negros Occidental by Jose Zubiri y Berruezo who alleges that he was born in Tafalla, Navarra, Spain, on April 9, 1883; that he is resident in the municipality of Ilog, Province of Negros Occidental, Philippines; that his trade or profession is an employee, in which he is engaged since 1906; that he is single; that he is able to speak and write Spanish, Visayan, and English languages; that his annual income is ₱4,200; that he is entitled to the benefit of Commonwealth Act No. 473, as amended by Act No. 535, for having resided continuously in the Philippines for a period of thirty-five years; citing Messrs. Norberto Cordova and Ricardo Rubin, both citizens of the Philippines, and residents in the municipality of Kabankalan, Province of Negros Occidental, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this court on November 14, A. D., 1941, at 8:30 a. m., and it is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the official Gazette and in the *La Vanguardia*, edited in the City of Manila, a newspaper of general circulation in the province, where the petitioner resides and that such petition and this notice be posted in a public and conspicuous place in this office of the clerk of court.

Witness the Hon. Pablo S. Rivera, Judge of the Court of First Instance of Negros Occidental, this 11th day of July, 1941.

Attest: [SEAL] RUFO DE BOSCH
[4-6] Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Negros Occidental, Seventh Judicial District]

CIVIL CASE No. 8810.—*In re petition for Philippine citizenship by Angel Echarri Diez*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor-General, Mr. Angel Echarri Diez, Kabankalan, Negros Occidental, and to all whom it may concern:

Whereas a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, has been presented to this Court of First Instance of Negros Occidental by Angel Echarri Diez, who alleges that he was born in Estella, Navarra, Spain, in March 25, 1905; that he emigrated to the Philippines, from Barcelona, Spain, on or about the 14th day of January, 1925, and arrived in the Port of Manila, Philippines, on the vessel *S. S. Legaspi*; that he is a resident of Kabankalan, Negros Occidental; that his trade or profession is that of farmer which he has been engaged since 1925, and from which he derives an average annual income of ₱5,000; that he is single; that he is able to speak and write Spanish and the Visayan dialect; citing Messrs. Gerardo Rivera and Federico Guanzon, both citizens of the Philippines, as witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this court, in the Second Branch, on the 14th day of November, 1941, at 8.30 a. m.; and

It is hereby ordered that this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the Official Gazette and in the *El Debate*, a newspaper of general circulation in the Province of Negros Occidental, where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Sotero Rodas, Judge of the Court of First Instance of Negros Occidental, this 11th day of July, 1941.

[SEAL] RUFO DE BOSCH

[4-6]

Clerk of Court

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila, Branch VI]

CIVIL CASE No. 59512.—*In the matter of the intestate estate of the late Modesto Calderon*

ORDER

A petition having been presented on the 19th day of June, 1941, by the petitioner, Emilio Calderon, praying among other things, that said Emilio Calderon be appointed administrator of the estate left

by the deceased, Modesto Calderon, who, as alleged, was a resident of the City of Manila, and who died on April 23, 1941, in Naalohu, Kau, Hawaii, leaving property situated at Manila, and in Hawaii.

It is hereby ordered that said petition be set for hearing on the 2d day of August, 1941, at 8.30 a. m., on which date and hour all persons who may have an opposition to the appointment sought may appear to state their reasons, orally or in writing.

Let this order be published in the newspaper, Official Gazette, edited in the City of Manila and of general circulation, once a week for three weeks successively, at the expense of the petitioner.

It is so ordered.

Manila, June 30, 1941.

[SEAL] QUIRICO ABETO

[2-4]

Judge

[United States of America, Commonwealth of the Philippines. In the Court of First Instance of Manila, Branch III]

CIVIL CASE No. 59606.—*Petition to change name of Robert Coleman Allen. Robert Coleman Allen, petitioner.*

ORDER

A verified petition having been filed by Robert Coleman Allen, alleging that he is a bona fide resident of Manila, Philippines, since 1935; that since boyhood at the age of three years, he has been known by his friends under the name of Robert Coleman Allen; and that his name Robert L. Coleman, which appears on his birth certificate, has caused him a lot of inconveniences and confusion in his relations with other peoples, and praying that, after hearing, his real name be changed from that of Robert L. Coleman to that of Robert Coleman Allen;

It appearing that said petition is sufficient in form and substance;

Now, therefore, the court hereby sets for hearing the aforesaid petition on January 21, 1942, at 8.30 a. m. Branch III, 121 Arzobispo Street, Intramuros, Manila, and directs that a copy of this order be published in the Official Gazette once a week for three successive weeks. Any person interested in the petition may appear at the hearing to show cause, if any he has, why the petition should not be granted.

Let a copy of this order be served upon the Solicitor-General.

It is so ordered.

Manila, Philippines, July 14, 1941.

[SEAL] MARCELO T. BONCAN

[4-6]

Judge

By virtue of the power of attorney inserted in the deed of mortgage executed by Ceferina Manalo on December 27, 1938, in favor of the Postal Savings Bank Fund (Agricultural and Industrial Bank), and for the satisfaction of the debt of ₱1,592.30 as of May 13, 1941, plus interest from the latter date, and the fees and expenses in connection with this sale secured by said mortgage, the terms of which have been violated, the undersigned announces at the request of the mortgagee that on August 2, 1941, at 10 a. m., at the entrance to the Court of First Instance of Manila (Jesuits Building), 121 Arzobispo, Intramuros, Manila, he will sell at public auction to the highest bidder for cash, in accordance with the provisions of Act No. 3135, as amended, the following real property with the buildings and improvements thereon:

Transfer Certificate of Title No. 55121

A parcel of land (lot No. 7, subblock No. 2 of the subdivision plan Psd-161, being a portion of lot No. 8, block No. 3007 of the cadastral survey of Manila, G. L. R. O. Cadastral Record No. 373), situated in Tondo. Bounded on the NE. by lot No. 8, subblock No. 2 of the subdivision plan; on the SE. by lot No. 9, subblock No. 2 of the subdivision plan; on the SW. by lot No. 1, subblock No. 5, of the subdivision plan; and on the NW. by lot No. 5, subblock No. 2 of the subdivision plan. Containing an

area of one hundred fifty (150) square meters, more or less.

Manila, Philippines, June 25, 1941.

L. PASICOLAN

Sheriff of Manila

[2-4]

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